

Criminal Misc. No.M- 17146 of 2017 (O&M)

Date of decision : September 28, 2017

Rajiv Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Naveen Chopra, Advocate
for the complainant.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 42 dated 18.01.2017 under Sections 498A, 304B, 34 IPC registered at Police Station Civil Lines, Karnal, District Karnal.

It is contended that the petitioner is the Senior Branch Manager in OBC Bank. It was the first marriage of the petitioner and the second marriage of the deceased. Both of them were residing happily after their marriage. The petitioner has been falsely implicated in this case because the brothers of the deceased were not treating the deceased in a proper manner. It is submitted that at the time of divorce granted to the deceased in regard to her first marriage she received a sum of ₹14 lakhs as permanent alimony. The said amount was withdrawn in the year 2008 itself. The said amount was not used for the benefit of the deceased but for meeting the marriage expenses of one of her brothers. Moreover, the allegations in the FIR are patently incorrect. The FDR of ₹5 lakhs mentioned therein is of the year

2014 i.e. much prior to the marriage which was solemnised on 04.12.2016.

The nominee in the FDR is the father of the deceased, who is still alive.

Therefore, the petitioner was admittedly not the beneficiary of the said FDR.

It is further pointed out that affidavit dated 22.11.2016 (Annexure P-3) was executed by the deceased stating that she has no objection in case her share in the property in question is transferred in the name of her brother – Rajesh Kumar. She also submitted before the authorities that she had no objection to the transfer of another property in the name of her other brother i.e. the complainant. Share of the deceased has been duly transferred in favour of her brothers. It is due to her anguish and her relationship with her brothers that the step in question was taken by her. Moreover, the complainant, in this case, has since deposed before the learned trial Court. It is, thus, prayed that this petition be allowed.

Photocopy of the statement of the complainant (PW1) produced in Court today is taken on record subject to just exceptions.

I have heard learned counsel for the parties.

Transfer of the share of the deceased in the property as aforementioned in favour of her brothers is not in dispute. The FDR of ₹5 lakhs as mentioned above, with the father of the deceased being the nominee is also not in question. The complainant has since testified before the learned trial Court.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 28, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No