

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21968 of 2017
Date of Decision: 20.06.2017

Sunita

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P. Kaushal, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.422 dated 21.10.2016 registered for offences punishable under Sections 306, 147 read with Section 149 of Indian Penal Code (for short, "IPC") at Police Station Sadar Sonipat, District Sonipat.

Heard.

Notice of motion.

On asking of the court, Mr. Gaurav Jindal, Addl. AG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The instant FIR was registered on the basis of suicide note of deceased-Rubi daughter of complainant. Petitioner is sister of mother of deceased.

As per allegations in suicide note, there was property dispute and the deceased has alleged her harassment by the petitioner, grandmother and Parvesh (son of petitioner) on that score. She had also blamed other

relatives like her maternal uncle etc. in that suicide note.

The petitioner was arrested on 08.11.2016 and the police after investigation has presented the challan.

Learned counsel for the petitioner submits that all the four material witnesses have been examined and they have not supported the case of prosecution and turned hostile.

Learned State counsel concedes that four out of 18 witnesses, who have been examined, have not supported the case of prosecution and turned hostile.

The veracity of suicide note is subject to scrutiny by the trial Court. Without expressing any opinion on merits of the case and keeping in view the fact that main witnesses have been examined and turned hostile and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sunita is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) She shall not leave the country without the previous permission of the Court.

June 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No