

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc. No.M- 22920 of 2017(O&M)

Date of Decision: October 25 , 2017.

Virender PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. R.A.Sheoran, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.108 dated 05.03.2017 under Section 306 IPC, registered at Police Station Sadar Bhiwani, District Bhiwani.

It is submitted that the petitioner has been falsely implicated in this case. The ingredients of Section 306 IPC are not made out in this case. Even if the prosecution version is accepted to be correct, the deceased was in a relationship with the petitioner for five years prior to the date of unfortunate incident. It is averred in the FIR that the petitioner had promised to marry the deceased and when he later refused to do so, she committed suicide. Learned

counsel for the petitioner further contends that reference to suicide note (Ex.PW4/A) is of no avail to the prosecution as the deceased allegedly stated that the said note was kept in a box by her but the same was presented in the hospital itself by the brother of the deceased, namely, Sonu. Moreover, the material witnesses i.e., both the brothers of the deceased i.e., PW4 and PW5 have since testified before the learned trial court. The petitioner has been in custody since 24.03.2017 and is not involved in any other criminal case. Therefore, this petition be allowed.

Photocopies of the statements of PW4 and PW5 recorded before the learned trial court, produced in Court today, are taken on record subject to just exceptions.

Learned counsel for the State, on instructions from ASI Virender Singh, verifies that the brothers of the deceased have since been examined before the learned trial court. Relationship of the petitioner and the deceased is not denied. It is verified that the petitioner is not involved in any other criminal case.

Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

There are no allegations on behalf of the State that the 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.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Virender is allowed. The petitioner shall 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

October 25 , 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No