

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

**CRM-M-23823 of 2016  
Date of Decision: 01 June, 2017**

Sapna ...Petitioner

Versus

State of Haryana ..Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Jagjot Singh, Advocate  
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

**FATEH DEEP SINGH, J.**

The allegations against the petitioner-wife Sapna in this anticipatory bail application under Section 438 Cr.P.C are that a marriage took place between the petitioner and deceased Dinesh about 28 years ago and that on account of matrimonial dispute there has been skirmishes and on the date of occurrence i.e. 18.5.2016 the deceased Dinesh had consumed some poisonous substance which as per the report of the FSL has been opined to contain *Aluminium Phosphide*.

The contentions of the learned counsel for the petitioner that the bare perusal of the FIR which is alleged to have been made by the deceased no specific allegation of abetment to suicide against the wife is made out and that mere a matrimonial skirmish cannot be covered under the definition of Section 306 IPC.

Though, learned State counsel has stoutly opposed the grant of bail to the petitioner but squarely accepts the fact that there is no allegation of abetment to suicide by the deceased against the petitioner.

Appreciating the submissions and keeping in view the stand of the State the prima facie allegations which have come about in the FIR which also happens to be the dying declaration made by the deceased-husband the question as to the element of abetment to suicide by the wife is debatable issue and that nothing is to be recovered from the petitioner and that no useful purpose would be served by sending the petitioner behind the bars., thus the present application stands allowed. In the event of arrest of the petitioner, she be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that she will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

**June 01, 2017**

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**(FATEH DEEP SINGH)  
JUDGE**

Whether reasoned/speaking  
Whether reportable

Yes/No  
Yes/No