

Criminal Misc. No. M- 30431 of 2017 (O&M)

Date of decision : September 20, 2017

Bhavi Chand

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Vikas Kumar, Advocate for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for the complainant.

LISA GILL, J.

The petitioner, who is the husband of the deceased, prays for bail pending trial in FIR No. 531 dated 20.12.2016 under Sections 304B, 34 IPC registered at Police Station Sadar Ballabgarh, District Faridabad.

It is submitted that the petitioner has been falsely implicated in the said case without their being an iota of evidence against him. It is submitted that as per the post mortem report, no injury was detected on the body of the deceased. The cause of death, it was noted would be given after the receipt of viscera report.

Learned counsel further contends that as per the opinion rendered by the medical Board, no definite cause of death has come forth but it is mentioned that possibility of death due to vasovagal shock/sudden cardiac arrest cannot be ruled out. As per the FSL report, no common poison was detected in the viscera. In this view of the matter, it is submitted that

death took place due to natural causes and was not due to any foul play. Moreover, the complainant i.e. the brother of the deceased is not coming forward to depose before the learned trial Court. Non-bailable warrants have been issued to secure his presence. The petitioner, who is not involved in any other case is in custody since 23.12.2016. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny the opinion rendered by the Board of Doctors wherein it is expressed that possibility of death due to vasovagal shock/sudden cardiac arrest cannot be ruled out. It is further verified that non-bailable warrants have been issued to secure the presence of the complainant.

Learned counsel for the State, on instructions from ASI Udey Pal, verifies that the petitioner is not involved in any other criminal case. 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 20, 2017
rts

(Lisa Gill)
Judge

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