

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-3393 of 2017
Date of Decision: 9.5.2017

Ninder @ Johny

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Abhishek S.Bhaskar, Advocate
for the petitioner

Mr. Vikas Malik, DAG, Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 102 dated 10.4.2016 for offence under Section 306 of the Indian Penal Code (in short “IPC”) registered at Police Station, Pinjore District Panchkula.

Counsel for the petitioner has submitted that the deceased performed marriage with the petitioner without disclosing the factum of her earlier marriage and children from the said wedlock. The petitioner is in custody for the past more than one year. The prosecution has cited 26 witnesses out of which only 3 have been examined till date. Conclusion of trial is likely to take its own time. Another submission made by counsel is that even if the allegations raised in the alleged suicide note purported to be left behind by the deceased are accepted, it would be a moot point if the petitioner can be held guilty for abetment of suicide by the deceased. The petitioner is ready to face proceedings, in accordance with law

Counsel for the State has conceded to the position that 3 witnesses out of 26 cited by the prosecution have been examined. The suicide note has been sent to the forensic science laboratory for analysis but the report is awaited. It is submitted that in view of allegations against the petitioner husband of the deceased, he does not deserve to be enlarged on bail.

Concededly, Challan has been presented in the Court and the trial is pending. The prosecution has examined only 3 witnesses and 23 are yet to be examined. There is no allegation against the petitioner that he is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

9.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No