

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-35088 of 2016

Date of Decision: 7.2.2017

Ashok

---Petitioner

versus

State of Haryana

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Rakesh Dhiman, Advocate
for the petitioner**

Ms. Dimple Jain, AAG, Haryana

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 112 dated 14.4.2015 registered at Police Station, Kalanaur, District Rohtak for offence punishable under Sections 306, 323, 342, 506, 498-A read with Section 34 of the Indian Penal Code (in short "IPC")

Counsel for the petitioner has submitted that with regard to occurrence dated 8.4.2015, FIR was registered on 14.4.2015 without any explanation for delay. It is further submitted that no specific role has been attributed to the present petitioner with regard to causing injuries to the victim much less instigating her to commit suicide. It is further submitted that the petitioner is in custody since April 2015 and conclusion of trial is likely to take its own time. It is argued that Sunita PW-12 was partly examined on 8.7.2016, application under Section 319 of the Code of Criminal Procedure (in short "Cr.P.C.") was filed for summoning of

additional accused namely Sandeep, Prithvi Singh and Devki and the additional accused summoned by the trial court have already filed a petition “Devki and others vs. State of Haryana” CRR No. 4282 of 2016 pending before this Court wherein personal appearance of Devki has been exempted. It is further submitted that after appearance of the additional accused, a de novo trial would be conducted resulting in further delay in conclusion of proceedings.

Counsel for the State of Haryana has submitted that the instant FIR has been lodged at the behest of Sunita wife of the present petitioner with regard to suicide committed by her younger sister Pooja married to real brother of petitioner Ashok. It is further argued that as per medico legal examination of Sunita, injuries were found on her person. Similarly, certain injuries were found on the person of Pooja as per post mortem examination conducted at Pandit B.D.Sharma Post Graduate Institute of Medical Sciences, Rohtak.

I have heard counsel for the parties, perused the paper book and the police records.

Concededly, challan was presented in the Court against Harish and the present petitioner. The petitioner is the husband of Sunita, real sister of Pooja since deceased. Sunita was the 12th witness examined by the prosecution on 8.7.2016. The application filed by the prosecution under Section 319 Cr.P.C. for summoning of additional accused has been allowed requiring a de novo trial. The petitioner is in custody for the past about two years. There is no allegation against the petitioner that he is likely to flee

from process of justice in case released on bail.

Without commenting upon merits of the controversy, the petitioner is ordered to be released on bail on his furnishing bail bond to the 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.

(Rekha Mittal)
Judge

7.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No