

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

CRM-M-35378-2017

Date of decision: 26.9.2017

Subey Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.DS Matya, Advocate for the petitioner

Ms.Dimple Jain, AAG Haryana
assisted by HC Harwinder Singh

Mr.Abhimanyu Singh, Advocate for the complainant

JITENDRA CHAUHAN, J.

The present petition under Section 439 of the Code of Criminal Procedure has been filed for grant of bail to the petitioner in case First Information Report No.185 dated 18.5.2017 registered under Sections 323 and 306 read with Section 34 of the Indian Penal Code at Police Station Tauru, District Mewat.

Learned counsel for the petitioner contends that allegedly the petitioner gave beatings to the deceased-wife on 4.5.2017, which provoked her to jump into a well and resulting in her death on 17.5.2017. It is asserted that till 17.5.2017 neither any complaint was filed nor any statement of the deceased could be recorded. Section 306 IPC has been wrongly invoked as the allegations did not constitute abetment. He further states that there are three minor children of the couple and there is no one to look after them.

On the other hand, the learned State counsel and learned counsel

for the complainant submit that the statements of the children were recorded and they had deposed that their mother had been beaten up and tortured by the petitioner. Learned State counsel further informs that challan has been presented but the charges are yet to be framed.

I have heard the learned counsel for the parties and perused the case file.

Keeping in view the fact that no compliant was filed till 18.5.2017 and the marriage is 15- year- old; there is none to look after the minor school going children of the couple and though the investigation is complete but charges are yet to be framed, in the circumstances, the Court feels that the conclusion of trial will take a long time so, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

26.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No