

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

Criminal Misc. No.M- 37678 of 2017(O&M)

Date of Decision: December 1 , 2017.

Kuldeep PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasbir Singh Punia, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.190 dated 05.03.2017 under Section 306 IPC, registered at Police Station Sadar, Hisar.

It is submitted that the petitioner has been falsely implicated in this case. As per the allegations in the FIR which was registered on the statement of the complainant, who is the brother of the petitioner's wife, the complainant's wife out of her own sweet will, proceeded to the house of the petitioner six months prior to the incident. She alongwith her minor son was living with the petitioner. It is alleged that the deceased called her mother-in-law as well as the

complainant's brother and revealed about harassment meted out to her by the present petitioner. It is submitted that the complainant's wife is alleged to have consumed poison and committed suicide due to harassment meted out by the petitioner.

Learned counsel for the petitioner vehemently contends that first and foremost there is nothing on record to indicate as to why the complainant's wife had left her matrimonial home alongwith the minor son. The deceased was working as a Sweeper at CMC Hospital, Hisar. Marriage between the petitioner and his wife was against the wishes of other family members. There is no question of harassment or ill-treatment being meted out by the petitioner to the deceased who was none other but his sister-in-law, being the spouse of his wife's real brother. Moreover, the material witnesses including the complainant as well as the son of the complainant and the deceased, who is now residing with the complainant, have since testified before the learned trial court. The petitioner is not involved in any other criminal case. Allegations in the FIR, it is contended, do not in any manner constitute an offence punishable under Section 306 IPC. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Jasbir Singh, verifies that the complainant as well as his son who is now living with the complainant have since deposed before the learned trial court. Seven out of the fourteen prosecution witnesses are yet to be examined. The petitioner, it is verified, is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that the petitioner is

likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Kuldeep is allowed. 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

December 1 , 2017.
'om/rts'

(**LISA GILL**)
JUDGE

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