

CRM-M-44549-2016

Date of Decision : 24.08.2017

Ashok and another

.....Petitioners

versus

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL**Present:** Mr. Parveen Sharma, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Surender Saini, Advocate
for the complainant.**LISA GILL, JUDGE (ORAL)**

Petitioners pray for the concession of bail pending trial in FIR No.408 dated 15.10.2016 under Sections 304-B, 34 IPC registered at Police Station Sonipat Sadar, District Sonipat.

It is contended that petitioners are the brother-in-law and sister-in-law (*Jeth and Jethani*) of the deceased. They have been falsely implicated in this case due to their relationship with the husband of the deceased. No specific allegations have been levelled against them in the FIR. Moreover, the petitioners are residing separately though in the same village. Both the petitioners, it is submitted have joined investigation, pursuant to interim order dated 13.12.2016. Thereafter, the final report under Section 173 Cr.P.C against them has been presented. Charge has been

framed and they are facing trial. They undertake to appear before the learned trial Court on each and every date. Therefore, the petition be allowed.

Learned counsel for the complainant while opposing this petition submits that a suicide note was recovered by petitioner No.2 and handed over to petitioner No.1. The suicide note has to be recovered from the petitioners. However, it is not denied that challan/final report under Section 173 Cr.P.C has been presented and charge has been framed. An application under Section 156 (3) Cr.P.C. moved for further investigation in this case has been dismissed by the learned trial Court on 15.05.2017.

Learned counsel for the State, on instructions from ASI Naresh Kumar, verifies that the petitioners have joined investigation, and the challan in this case has since been presented, therefore, custodial interrogation is obviously not required. It is affirmed that petitioners are not involved in any other criminal case. No recovery is to be effected from him.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are 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 near future.

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 is allowed. Consequently, order dated 13.12.2016 is hereby made absolute.

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.

(LISA GILL)
JUDGE

24.08.2017
Neha

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