

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

CRM-M-43995-2017

Date of decision: 28.11.2017

Dharampal and another

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.77 dated 27.05.2017 under Sections 306 read with Section 34 of the IPC, registered at Police Station Baragudha, District Sirsa.

Notice of motion was issued in this case.

Mr.P.P. Chahar, learned DAG, Haryana has put in appearance on behalf of the respondent-State.

Learned counsel for the petitioners herein contends that no offence under Section 306 IPC would be made out on the reading of the FIR since it is contended that the daughter of the complainant committed suicide on an apprehension/suspicion that petitioner No.1 herein was having an extramarital affair with one Sarabjeet Kaur. It is contended that the statement of the complainant has been recorded. By placing reliance on a judgment rendered by the Supreme Court in *K.V. Prakash Babu vs. State of Karnataka, 2017(1) R.C.R. (Criminal) 60* it is contended that the

petitioners having been in custody since 28.05.2017, they are entitled to be enlarged on bail.

Learned counsel for the respondent-State opposes the grant of regular bail by stating that the petitioners herein have been accused of a grievous offence, however, is not able to dispute the fact that the statement of the complainant has already been recorded. He also submits that out of total 20 witnesses only 2 have been examined.

I have heard learned counsel for the parties and perused the record.

Without going into the merits of the case and keeping in view the fact that statement of the complainant has been recorded and the trial is likely to take some time to conclude since out of total 20 witnesses only 2 have been examined so far, the present petition is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

28.11.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.