

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44525-2017

Date of Decision:- December 06, 2017

Sunita and another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Ms. Kiran Bala Jain, Advocate,
for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana
for the respondent State.

Ms. Sukhpreet Kaur, Advocate
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 439 Cr. P.C., is for grant of regular bail in case bearing FIR No. 375 dated 28.10.2017 registered under Sections 323, 324, 452, 506, 467 and 120-B IPC at Police Station Baldev Nagar, District Ambala.

2 Learned counsel for the petitioners contended that the marriage between complainant, Vinay Kumar and petitioner No.1, Sunita had taken place on 1.8.1992 i.e. 26 years ago and two children, namely, Gopal, petitioner No.2 herein, and Mukesh were born. Thereafter, there were strained relations between the parties and the petitioners were turned out of the matrimonial home. Parties are involved in various criminal litigation as detailed under :-

- (i) Criminal Case vide FIR No.182 dated 04.06.2015 under Sections 323/506 IPC, PS Ambala City was registered against Vinay Kumar, complainant and others tht case is still pending in the Court of learned Judicial Magistrate Ist Class, Ambala and the next date fixed up is 02.12.2017 for prosecution evidence.
- (ii) Petition under Section 12 of Protection of Women from Domestic Violence Act titled as Sunita wife of Vinay Kumar vs. Vinay Kumar and others, pending in the Court of learned Judicial Magistrate Ist Class, Ambala and is fixed up for 01.12.2017.
- (iii) Petition under Section 125 Cr.P.C. bearing No. MNT No.144 dated 02.07.2015 titled as Sunita, Mukesh Kumar vs. Vinay Kumar, pending in the family Court at Ambala and is fixed up for 12.01.2018.
- (iv) Divorce petition under Section 13 of the Hindu Marriage Act titled as Vinay Kumar vs. Sunita bearing case No.552 dated 28.07.2015 pending in the Family Court at Ambala and is fixed for 28.11.2017 in which sum of Rs,4000/- per month has been fixed up as interim maintenance to wife Sunita from the date of filing her application besides litigation expenses amounting to Rs.5000/-.
- (v) Civil Suit No.112 dated 03.07.2015 titled as Sunita vs. Vinay Kumar for restoration of electricity connection in which the electricity connection has been restored in the premises of the petitioner by the order of Hon'ble Court".

3. As regards to the facts of the present case, no role has been attributed to the petitioners and they have been implicated in this case just on the ground that a suicide note was found under the mattress and that was at the instance of the petitioners. Otherwise, the petitioners are in custody since 9.11.2017. The decision of the case still to take some

more time. So the petitioners be released on bail.

4. Learned State counsel as well as learned counsel for the complainant have opposed the bail application and submitted that the allegations against the petitioners are serious and no ground is made out to release the petitioners on bail.

5. Having considered the submissions made by learned counsel for the parties, this Court is of the considered view that the parties to the litigation are family members and they are involved in more than one cases including case under Protection of Women against Domestic violence Act, 2005. Even taking into consideration the allegations made in the present case, it shall be matter of trial as to whether the petitioners had any role as regards to commission of offence, because in the main case, allegations are against co-accused Rajesh Saini. The petitioners are in custody since 9.11.2017 and decision of the case still to take some more time.

6. Resultantly, this petition stands allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of CJM/Area Magistrate, Ambala.

7 The petition stands allowed.

December 06, 2017

som/komal

(SHEKHER DHAWAN)

JUDGE

Speaking/Reasoned
Reportable

Yes
No