

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5611 of 2017 (O&M)

Date of Decision: 27.02.2017

Sonu & another

--Petitioners

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case F.I.R. No.529 dated 29.9.2016 under sections 306, 34 I.P.C, registered at Police Station, Gharaunda, District Karnal.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Smt. Santro as regards her nephew Sonu having committed suicide by hanging on the intervening night of 28/29.9.2016.

Allegations are that deceased Sonu was having strained relations with his wife namely Seema. On the fateful night Seema had established telephonic contact with her brother namely Sonu son of Sh. Ram Pal (petitioner no.1). At such point of time both the petitioners having arrived at the residence of the deceased are stated to have thrashed the deceased and who thereafter took the extreme step of ending his life.

Both the petitioners were arrested on 30.9.2016.

Investigation in the case is complete, challan stands presented and even the charges have been framed.

Trial is stated to be at the initial stage as out of the 13 prosecution witnesses having been cited only one has been examined.

Learned State counsel upon instructions from ASI Sunder Singh and upon perusal of the police file would apprise the Court that as per Post Mortem Report the only injuries noticed on the person of deceased Sonu are that of abrasions apart from the ligature mark on the neck.

The Post Mortem Report would certainly create a dent in the prosecution version as regards the present petitioners having thrashed the deceased.

Even if the version of the complainant is taken as gospel truth, yet, there is a reference to only one incident that took place on the intervening night of 28/29.9.2016.

As to whether resorting to a beating would be construed as an overt act leaving the deceased with no other option but to end his life and thereby to come within the ambit and expression of an abetment to suicide would be a moot question to be considered by the Trial Court.

Without making any observations on merits, present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Karnal.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No