

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

Criminal Misc. No.M- 11420 of 2018(O&M)

Date of Decision: March 23 , 2018.

Anurag PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Deepshikha Chauhan, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, 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.639 dated 05.10.2017, under Sections 34/302 IPC (challan presented under Sections 306/34 IPC), registered at Police Station Sonipat City, District Sonipat.

It is submitted that the petitioner who is the unmarried brother-in-law (Devar) of the deceased has been falsely implicated in this case merely due to his relationship with the deceased's husband. The complainant's husband (brother of the petitioner) is in custody. The present petitioner, it is submitted, was living separately at Malviya Nagar alongwith his mother and another brother

Vikas, who is admittedly married to the real sister of the deceased. The deceased and her husband were living at Hanuman Nagar, Sonipat. Moreover, absence of the injuries on the person of the deceased as is reflected in post-mortem report (Annexure P3) falsifies the averments in the FIR that the complainant's daughter was subjected to any kind of physical abuse. It is further submitted that there is nothing on record to indicate the commission of an offence punishable under Sections 302 IPC qua the present petitioner. The petitioner undertakes to face trial and not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State does not deny that the cause of death in this case was asphyxia due to hanging. No external injury was detected on the person of the deceased. Learned counsel for the State, on instructions from ASI Jasmer Singh, verifies that the petitioner was living separately from the deceased and her husband at Malviya Nagar alongwith his mother and other brother, who is married to the real sister of the deceased. The petitioner is not reported to be involved in any other criminal case. Needless to say, the evidence in this case shall be considered by the learned trial court at the appropriate stage and no opinion is being expressed on the merits of the case.

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 of the case but without commenting upon or expressing any opinion on the merits thereof, this petition 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.

March 23 , 2018.
'om'

(LISA GILL)
JUDGE

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