

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-18017 of 2018 (O&M)
Date of Decision: 09.8.2018

KuldeepPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sunil Sheoran, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 222 dated 18.5.2017 registered at Police Station Sadar, Charkhi Dadri, District Bhiwani under Sections 302, 34, 498-A IPC (later on changed Sections 306, 498-A, 34 IPC).

Counsel for the petitioner contends that the petitioner is in custody since 23.5.2017 and the incident had occurred after 12 years of marriage and it was a suicide and the suicide note was produced before the police which was not considered. Counsel also submits that the trial will take time and the bail may be allowed to him. It is also contended that the mother-in-law and the father-in-law of the deceased had been allowed bail.

State counsel informs that the trial is almost over as 13 witnesses out of 16 have been examined and the case is fixed for 17.8.2018. It is also stated that the veracity of the suicide note is yet to be ascertained as it was not produced at the time of registration of the FIR and it would be a matter of defence evidence.

The trial is on the last stages. Only three witnesses remain to be examined. The petitioner is yet to prove that deceased Anita had left behind a suicide note. On the last date of hearing, the petitioner had been asked to produce the copy of the petition filed by the petitioner seeking divorce as well as the reply filed by the wife. Today counsel says that the wife had failed to appear and she had been proceeded *ex parte* and later on the petition was withdrawn after the death of the girl.

The incident had occurred in the matrimonial home. The petitioner has not stated as to when his wife had left the matrimonial home and when she had returned. No document has been placed on record to show that any compromise was effected during the period intervening. The allegations are serious. No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

August 09, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No