

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

209

CRM-M-25864 of 2018  
Date of decision:19.06.2018

Uggar Sain

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sanchit Punia, Advocate  
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

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AMIT RAWAL, J. (ORAL)

The present petitioner-Uggar Sain-father of Roshni has approached this Court for grant of concession of regular bail in respect of FIR bearing No.158, dated 21.09.2016, registered under Sections 306/34 IPC, lodged at Police Station Nathusari Chopta, Sirsa.

As per the allegations in the FIR, Satish Kumar had performed a marriage with Roshni and after four months of the marriage, unfortunately, he committed suicide on 21.09.2016 at 16.50 hours. As per the allegations in the FIR at the time of consumption of the poisonous substance deceased had given a call to the *Saddu* Surinder at Mobile No. 9429875762 and also maternal uncle-Ramesh on Mobile No. 8053375798.

Learned counsel appearing on behalf of the petitioner submitted that after a detailed enquiry conducted by SHO and DSP concerned a closure report was submitted on 08.12.2016. However, on a fresh application submitted by the complainant, dated 29.09.2017, the previous

FIR has been revived and the petitioner has been arrested on 10.03.2018, whereas, wife-Roshni has been granted concession of anticipatory bail by this Court vide order dated 23.04.2018. As per the cyber report no such phone calls from the mobile number of Satish Kumar-deceased had made to maternal uncle or the *Saddu*. Even the sim of Suresh Kumar which was working, after his demise, was handed over to the police after one year.

No useful purpose would be served by keeping the petitioner in custody.

Learned State counsel on instructions from Sub Inspector Dariya Singh submitted that there is material evidence which shows that deceased had made a phone call to the *Saddu* regarding the filing of divorce, therefore, it is a clear instance of the abettment at the instance of petitioner and his wife, for, report shows that the deceased had told *Saddu* regarding granting of the divorce. He further submitted that the challan has already been presented and even the charges have been framed. There are 23 witnesses.

I have heard learned counsel for the parties and perused the paper book. It is a fit case for granting concession of regular bail as it is yet to be proved whether Suresh had actually made a phone call to the petitioner or the wife of the deceased was instrumental in causing abettment. As per cyber report submitted by counsel for the petitioner which is not disputed by learned State counsel, no such phone call had been made on the mobile number of maternal uncle Ramesh i.e. 8053375798 or Surinder co-brother on mobile number 9429875762.

Without commenting upon merits and demerits of the case as it would be subject matter of trial and keeping in view the aforementioned

facts and circumstances, I deem it appropriate to grant concession of regular bail to the petitioner. Resultantly, the petition is allowed and the petitioner is ordered to be released on bail subject to furnishing of bail bonds to the satisfaction of the Trial Court/Illaqa Magistrate Sirsa.

June 19, 2018

Poonam (II)/anju rani

(AMIT RAWAL)  
JUDGE

- |    |                              |          |
|----|------------------------------|----------|
| 1. | Whether reportable?          | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |