

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

Crl. Misc. M-30433 of 2018 (O&M)
Date of Decision: December 05, 2018

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nirmal Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.338 dated 27.04.2018, under Sections 323, 498-A of Indian Penal Code (offences under Sections 304-B, 34 of IPC added later on), registered at Police Station City Sonapat, District Sonapat.

Learned counsel for the petitioner herein contends that the petitioner was taken into custody in the aforesaid FIR on 25.06.2018. It is argued that the allegations as set in the FIR, which was registered on the statement of the deceased, do not constitute any offence under Section 304-B/34 of Indian Penal Code, while further submitting that the FIR reads that the deceased felt insulted, on account of beatings given by her husband. It is

also submitted that the allegations under Section 304-B/34 of Indian Penal Code have been levelled by the brother of the deceased in his statement recorded under Section 161 Cr.P.C., after 03 days of the incident. It is also argued that the deceased was in her parental home, while she committed suicide. It is also contended that investigation is complete, as the challan has been presented and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, she does not dispute the fact that investigation is complete and challan has been presented.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 25.06.2018 and that investigation is complete, as the challan has been presented, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 05, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No