

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-33391 of 2017
Date of Decision: 25.1.2018**

Rajinder @ Sonu

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S.Rai, Senior Advocate with
Ms. Amanpreet Kaur, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Ramesh Malik, Advocate
for the complainant.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 46 dated 27.2.2017 registered at Police Station Matlauda, District Panipat under Sections 302, 323, 34 IPC (Challan presented under Section 302, 306, 323 IPC).

Challan had been presented under Section 302, 306, 323 IPC Charge has been framed under Section 306 IPC as during investigation it was found that the deceased had snuffed the life of her two children and then committed suicide.

Learned senior counsel for the petitioner contends that the petitioner is in custody since 13.5.2017 and not a single witness has been examined and on the last date the case was adjourned to enable the complainant and Rinku to make their statements but they failed to appear

despite service and non-bailable warrants have been issued against them. Counsel also contends that the petitioner was not in the house when the occurrence took place and the fact is that the marriage of the younger sister of the deceased was fixed for 28.2.2017 and the deceased was not sending the children to the school and had made preparations to attend the wedding but on account of differences with her family she had not been invited and she gave beatings to her children and strangled her children and committed suicide. It was urged that the husband had gone to his brother's house that morning in relation to the business and he has a joint account with Kulbir Singh and had operated his account in the morning before 9.00 A.M. and the occurrence is at 9.00 A.M. and they are placing on record the bank transactions.

Counsel for the complainant was available on the last date of hearing when it was informed by the other side that two main witnesses were yet to be examined and it is in their presence the case had been adjourned so that the main witnesses could be examined.

It has been urged on behalf of the respondent that the facts have been distorted and the husband was not allowing the wife to go to her parents house for the wedding and there are allegations that the husband had killed Monika and the family members and then hanged her.

The two suicide notes do not implicate the husband or the in-laws. Report is yet to be received. The children had been beaten and strangled. The charge against the husband is of abetting the suicide. The prosecution has been unable to examine any witness. The complainant and the main witnesses intentionally stayed away from the witness box and non-bailable warrants have been issued against them.

Without commenting anything on the merits of the case and considering the entire circumstances and the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing local surety and adequate bonds to the satisfaction of the trial Court/Duty Magistrate with a condition that he would not tamper with evidence and would not contact any of the family members of his in-laws. The petitioner would give this undertaking while furnishing bonds.

(ANITA CHAUDHRY)
JUDGE

January 25, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No