

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

CRM-M-34600-2018

Date of decision:-28.9.2018

Sanju alias Sanjeev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Raj Kapoor Malik, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Sanju alias Sanjeev – an accused in FIR No.57 dated 21.4.2018, under Section 306/34 IPC, registered at Police Station Titram, District Kaithal.

Briefly stated, the facts of the case, as per the prosecution story are that Ms.Gurmeet wife of present petitioner Sanju alias Sanjeev, a resident of village Kheri Sheru, District Kaithal had committed suicide by hanging. On coming to know about that, a police party from Police

Station Titram went to the spot. The dead body of Gurmeet was found to be placed on floor of a room in the house. The police party came across relatives of the deceased including her uncle Lakhpatt, who got his statement recorded with the police stating therein that the deceased after her marriage with Sanju alias Sanjeev in the year 2012 was being harassed and taunted by her husband Sanju alias Sanjeev and mother-in-law for the reason that she had not conceived even after 5-6 years of marriage, whereas the other girls, who were married at the same time, had given birth to 2-3 children, as such, they did not want to keep her; that fed up with such taunts and harassment Gurmeet had ended her life by hanging herself.

On the basis of that statement, formal FIR was recorded. Accused has been arrested in this case on 22.4.2018. On completion of investigation and other formalities, challan against Sanju alias Sanjeev only was filed since no incriminating evidence was found by the investigating agency against his mother Smt.Sarbati Devi. After filing of the challan and commitment of the case to the Court of Sessions, which was assigned to Additional Sessions Judge, Kaithal, formal charge under Section 306 IPC has been framed against the accused. The complainant got his statement recorded as PW1 and thereafter an application under Section 319 Cr.P.C. for summoning of Sarbati Devi as additional accused was filed. The petitioner-accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Kaithal vide order dated 17.7.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that there is delay of 24 hours in lodging the FIR; the mother of the petitioner has been found to be innocent; the statement of complainant has been recorded; application under Section 319 Cr.P.C. has been dismissed; the conclusion of trial is likely to take some time, as such concession of regular bail be granted to the petitioner.

Whereas, the request is being opposed by the State counsel.

After hearing the rival contentions, I find that no case for grant of regular bail to the petitioner is made out. The deceased had died an unnatural death in her matrimonial home, rather she had committed suicide. A young married woman would certainly not end her life unless driven to the wall. It is for the petitioner, her husband to explain as to under what circumstances, she had taken the extreme step. The complainant in his statement to the police has specifically alleged that the petitioner and her mother used to taunt and harass the deceased stating that she was a barren woman, who could not conceive after several years of marriage, while the other girls who had been married at the time of marriage of deceased with the petitioner, had given birth to 2-3 children. The trial against the petitioner is going on. He cannot take advantage of the fact that there is some delay in reporting the matter to the police while praying for grant of bail, though this fact may have relevance during the

trial. The fact that mother of petitioner was found innocent does not dilute the guilt of the petitioner. Similarly he cannot take advantage of the fact that application under Section 319 Cr.P.C. moved by the prosecution for summoning of mother of the petitioner as additional accused has been dismissed. The guilt of the accused shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

28.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No