

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

Criminal Misc. No.M- 39265 of 2017(O&M)

Date of Decision: January 30 , 2018.

Shashi Kant PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. Hemant Bassi, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner, who is husband of the deceased, prays for bail pending trial in FIR No.817 dated 10.09.2016 under Sections 304B/498A/34 IPC, registered at Police Station City, Hisar.

It is submitted that the petitioner has been falsely implicated in this case, which is based on a suicide note allegedly written by the deceased.

Learned counsel for the petitioner submits that marriage between the petitioner

and Meenakshi (deceased) was solemnized on 15.07.2013. An overdose of medication was taken by the deceased on 26.09.2013 and she had to be admitted in the hospital. Reference in this regard is made to Annexure P3. She was thereafter referred to the Psychiatric Department, PGIMS, Rohtak. Reference is made to the Out Patient Card (Annexure P4). It is pointed out that the deceased on 03.08.2016 called her mother and brother. There was an altercation with the petitioner's neighbour Devi Lal and his family. On account of the dispute which arose, the petitioner's neighbour Devi Lal committed suicide on 04.08.2016. FIR No.304 dated 06.08.2016 under Sections 306/34/506 IPC (Annexure P5) was registered at the instance of the brother of Devi Lal against the present petitioner, his wife (deceased in this case) and others. During investigation the petitioner was found innocent in the said FIR No.304 dated 06.08.2016. Thereafter, the brother of the deceased called up the petitioner on 31.08.2016 to impress upon the petitioner not to take any stand which would be detrimental to the interest of the deceased or her brother. Learned counsel refers to the CD and transcript of the alleged conversation (Annexures P6 and P7).

It is submitted that the petitioner's wife (deceased) left the matrimonial home on 04.08.2016 and unfortunately committed suicide on 19.09.2016 while she was at her parental home. It is contended that as many as 19 persons were named as accused in the present FIR registered on the basis of the suicide note. It is vehemently argued that even before solemnization of marriage in the year 2013, the petitioner's wife had authored suicide notes (Annexure P2) raising allegations against her own brother. It is submitted that there are number of other such suicide notes available with the petitioner, written

(purportedly) by the petitioner's wife against her own mother and her other family members. It is contended that she had suicidal tendencies and no case under Sections 304B/498A/34 IPC is made out against the petitioner. The petitioner, who is in custody since 15.09.2016 it is stated, is not involved in any other criminal case. The father and brother of the deceased have since testified before the learned trial court. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant and the State have opposed this petition while submitting that specific allegations have been levelled in the suicide note written by the petitioner's wife. However, it is not denied that FIR No.304 dated 06.08.2016 (Annexure P5) was registered against the petitioner, his wife (the deceased) and others in which the petitioner was found innocent. There is no denial of the fact that death of the petitioner's wife took place in her parental home though the veracity of the suicide notes (Annexure P2) as well as the circumstances in which the petitioner's wife was taken for psychiatric evaluation in the year 2015, is disputed.

Learned counsel for the State, on instructions from ASI Virender, verifies that the petitioner has been in custody since 15.09.2016. He is not reported to be involved in any other criminal case. The father and brother of the deceased have since testified before the learned trial court. Six witnesses remain to be examined. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts

before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Shashi Kant is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 30 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No