

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

Criminal Misc. No.M-48219 of 2017(O&M)

Date of Decision: March 07, 2018.

Gopi Ram

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Shailender Kashyap, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG., Haryana.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.156 dated 12.06.2017, under Section 306 IPC, registered at Police Station Sadar Dabwali, District Sirsa.

As per the allegations in the FIR, the complainant's daughter was harassed by the present petitioner after consumption of liquor as well as by other members of the in-laws family. The complainant's daughter committed suicide by jumping into the river. Thus, the abovesaid FIR was lodged.

Learned counsel for the petitioner vehemently argues that marriage between the petitioner and the complainant's daughter was solemnized nearly 11 years prior to the unfortunate incident. Two sons were born out of this wedlock. There is no such complaint etc., which was ever filed since the marriage till the unfortunate incident and neither had any panchayat etc., being convened. The allegations against the present petitioner are absolutely false. The minor children, it is submitted are being looked after by the petitioner's family. Moreover, it is debatable whether the allegations in the FIR would constitute an offence punishable under Section 306 IPC. The complainant in this case, it is informed has been

examined in chief. An application under Section 319 Cr.P.C., for summoning additional accused has since been dismissed. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Balaur Singh, verifies that the marriage of the petitioner took place with the complainant's daughter in the year 2006 and at this stage there is no evidence of any complaint etc. moved by either the deceased or her family members in respect to any ill-treatment meted out to her during this period till her death. It is verified that the petitioner is not involved in any other criminal case.

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. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

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 Gopi Ram, 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.

07.03.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.