

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

Criminal Misc. No.M-48279-2017 (O&M)

Date of Decision: May 09, 2018.

RAJESH

..... PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Shailender Singh Gill, Advocate for the complainant.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.274 dated 10.08.2017, under Section 306 IPC, registered at Police Station Bhuna, Fatehabad.

It is submitted that the petitioner who is the husband of the deceased has been falsely implicated in this case. Marriage between the petitioner and deceased was solemnized on 09.03.2010. They were blessed with two children. All of them were staying happily in the matrimonial home. There is nothing on record to indicate that the deceased was ill-treated by the present petitioner. In fact the deceased was under a misconception that the petitioner was having a relationship with her real sister. A complaint was submitted by the deceased before the SHO, Women Cell, Jind, with the averments that the petitioner was having illicit relation with her own sister. However, the said complaint was later on withdrawn on 20.06.2017, when she was made to understand that there was

no such relationship.

Learned counsel for the petitioner submits that a suicide note (Annexure P-1) was recovered from the spot. As per FSL report dated 20.02.2018, standard signatures of the deceased lifted from the complaint submitted by her before the Women Cell, Jind matched with the hand writing on the alleged suicide note recovered from the spot. In the said note she has not raised any allegation against the petitioner. It is further argued that offences punishable under Sections 498A, 304B, 506, 34 IPC have since been deleted. The petitioner is being proceeded against for the offence under Section 306 IPC. It is contended that it is debatable whether the ingredients of Section 306 IPC are made out in the present case. It is, thus prayed that this petition be allowed.

Learned counsel for the complainant and State have opposed this petition, however, they are unable to deny that offences punishable under Sections 498A, 304B, 506, 34 IPC have been deleted and the petitioner is being proceeded against Section 306 IPC. Complaint earlier submitted by the deceased pertains to the alleged illicit relationship of the petitioner with the sister of the deceased. It is affirmed that the said complaint was withdrawn.

Learned counsel for the State, on instructions from ASI Bhoop Singh, verifies that the petitioner has joined the investigation and is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 14.03.2018 is made

absolute.

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.

May 09, 2018
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(LISA GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No