

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

CRM-M No.52539 of 2018
Date of decision: 4th December, 2018

Satish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Satish, husband of deceased Kumkum, in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.654 dated 30.08.2018 under Sections 498-A, 302, 34 IPC pertaining to Police Station Sadar Palwal, are that marriage between the two was solemnized about nine years back and out of an incident that took place on 29.08.2018 when the petitioner failed to accompany the deceased to the house of her parents on the eve of *raksha bandhan* and perturbed over it, the deceased had committed suicide by means of hanging, leading to registration of the present case and arrest of the petitioner on 30.08.2018.

Learned counsel for the petitioner Mr. Amit Chaudhary, Advocate inter-alia contends that a bare perusal of the allegations do not

spell out commission of any criminal offence by the petitioner and even the one brought on the record in the investigations cannot be termed to be abetment to suicide by any means and that the petitioner is behind bars since a long time.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from HC Satbir Singh, Police Station Sadar Palwal has sought to vehemently oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations and that if allowed bail the petitioner would influence the witnesses.

Appreciating the arguments of the two sides, learned State counsel at the very onset of submissions with all fairness has stated at the bar that there is no such evidence worth credence to romp home the charges against the petitioner for having abetted the deceased to commit suicide. In view of this stand of the State and specific query put to the learned State counsel, nothing tangible could be highlighted as to involvement of the petitioner in the deceased taking such a step. The petitioner is behind bars for more than three months and culpability, if any, shall be determined at the trial which is not likely to be concluded in the near future. Accordingly, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate, Palwal.
However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 4, 2018

rps

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