

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

CRM-M-6373-2018

Date of decision: 16.03.2018

Sunita Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanjay Kaushal, Sr. Advocate, with
Mr. Arjun Shukla, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Sumit Gupta, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 571 dated 04.08.2015 under Sections 304-B, 306 and 506, 34 IPC, registered at Police Station Civil Lines, Karnal.

It is contended that the petitioner herein has been in custody since 16.02.2016 and as on date has been incarcerated over a period of two years. It is further contended that the deceased committed suicide while in her parental home after having left her matrimonial home on 14.01.2015. There was a sufficient gap of eight months in the interregnum. The suicide was committed only after she had received a divorce petition sent by the son of the petitioner.

Learned counsel for the respondent-State and the complainant argue that the petitioner herein is not entitled to any relief as prayed for. It is

also submitted that earlier two bail applications which had been filed stood dismissed, there was no change in the circumstances. It is now argued that the only two witnesses have yet to be examined.

I have heard learned counsel for the parties.

Without going into the arguments of either parties, this Court finds that the petitioner herein has been in custody for a sufficient long time i.e. two years, the official witnesses have yet to be examined and the trial is likely to take some time to conclude, without expressing any opinion on merits of the case, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.
- (iii) He shall not leave the country without the previous permission of the Court.

16.03.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)

JUDGE

Yes.

No.