

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-2588 of 2019 (O&M)

Date of Decision: 14.02.2019

Hemant

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jai singh Yadav, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Ms. Sona Kaur, Advocate for
Mr. Naresh Kumar, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.0193 dated 01.08.2018 under Sections 306, 34 IPC registered at Police Station Kasola, District Rewari.

The aforesaid FIR was registered at the behest of Ajay Kumar, who is brother of deceased Anoop Yadav. The marriage of Anoop Yadav was solemnised with the petitioner and out of this wedlock, one daughter and one son were born. However, the deceased Anoop Yadav committed

suicide along with her daughter by jumping into the canal. The allegations against the petitioner are that he used to beat the deceased and demand dowry.

Learned counsel for the petitioner has argued that marriage between the petitioner and Anoop - deceased was solemnised in the February 2011 and Anoop committed suicide along with her daughter on 01.08.2018. There were temperamental differences between the petitioner and Anoop. On account of these differences, even the petitioner had also attempted to commit suicide on 17.08.2017 by jumping into a well, though he survived. The petitioner is in custody since 01.08.2018

Learned State counsel, on instructions from SI Bahadur Singh, as well as learned counsel for the complainant have submitted that in the pending trial, out of 16 witnesses cited by the prosecution, 12 witnesses have already been examined and one witness has been given up and now, the case is fixed for examination of the remaining witnesses on 21.02.2019.

I have heard learned counsel for the parties.

No doubt, the deceased committed suicide along with her daughter by jumping into the canal, but at the same time, there being temperamental differences between the petitioner and the deceased, even the petitioner also attempted to commit the suicide. Considering the fact that the petitioner is in custody since 01.08.2018 and culpability of the petitioner is yet to be determined during the course of trial, this Court is of the view that the petitioner deserves to be released on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the petitioner shall not influence any witness in any manner.

February 14, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No