

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-10948 of 2019 (O&M)
Date of decision : May 16, 2019

Sandeep @ Punjab

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Prabhjeet Singh Sullar, Advocate, for the petitioner
Mr. Ripu Daman Singh, AAG, Haryana for the State with
SI Shamsheer Singh, PS Civil Line, Sonapat

Fateh Deep Singh, J. (Oral)

Petitioner Sandeep alias Punjab has sought regular bail in case bearing FIR No. 376 dated 29.10.2018, under Section 306 IPC, Police Station Civil Line, Sonapat.

The case has been got registered by Mohit brother of deceased Kirti alleging that his sister Kirti entered into a wedlock with the petitioner in the year 2009 after they had developed liking with each other and out of which a daughter now aged four years has been born. The complainant has further stated that on account of ill-feeling and disaccord between the couple the deceased was staying

at her parental house since the year 2014 along with her daughter as her husband often used to enter into fight with her. It is alleged that on 28.10.2018 around 7.00 PM, the accused came to the house of the complainant and threatened that he will take away his wife and daughter to which mother of the deceased had told that they will send the girl only upon intervention by the Panchayat as her daughter has filed divorce and maintenance cases in a court. The complainant had claimed that during the heated duel the accused had threatened that on the very first hearing of the case dead bodies of the complainant side would be lifted and on account of stress the deceased is claimed to have consumed poisonous substance leading to her death.

Mr. Prabhjeet Singh Sullar, counsel for the petitioner inter-alia contends that it was a love affair and there is no allegation of any cruelty or harassment except small skirmishes between the couple and that the very allegations on the face of it does not invite any case of abetment to suicide.

Learned State counsel has opposed the grant of bail on the grounds of heinousness of crime and seriousness of allegations arguing that if allowed bail, the petitioner might stifle the trial.

Appreciating the submissions the own stand of the complainant that for the last four years, the deceased was putting up

at the house of her parents where the occurrence has taken place. From the bare perusal of the allegations, a debatable issue arises over the applicability of offence under Section 306 IPC as the very element to attract case of Section 107 IPC is a debatable issue. The petitioner is behind the bars since 8.11.2018 and culpability, if any, shall be determined at the time of trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Sonapat.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 16, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No