

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

**CRM M-11717 of 2019
Date of Decision: March 20, 2019**

Sushil Kumar

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 215 dated 17.05.2018 under Sections 306 and 34 IPC registered at Police Station Rai, District Sonipat.

The allegations against the petitioner have been levelled by Akash brother of the deceased. In his allegations, the complainant alleged that the marriage between the petitioner with the deceased was solemnized in the year 2004 and the couple was not bestowed with any progeny. It is alleged that the husband used to taunt the wife and on

account of his harassment, the wife was compelled to commit suicide by means of hanging on 16.05.2018 and the petitioner was arrested on 10.08.2018.

Learned counsel for the petitioner, *interalia*, contends that the couple has been residing together peacefully and lovingly for more than 14 years and no allegations as to their matrimonial dispute have ever been levelled till the registration of the case and that the couple had adopted a child vide adoption deed dated 04.05.2017, which is placed on record. It is further submitted that the petitioner is behind the bars for a long time and has sought to challenge the applicability of Section 306 IPC in view of the allegations levelled in the FIR.

Mr. Amrik Narwal, DAG, Haryana, assisted by HC Kuldip Singh accepts the facts brought to the notice of this Court by the counsel for the petitioner but has strongly opposed the grant of the relief on the grounds that if allowed bail, the petitioner might stifle the trial and the heinousness of the offence disentitles him any relief.

The own stand of the prosecution that throughout the period of their matrimony for more than 14 years, there has been no occasion of any bickering between the couple. The couple was not bestowed by any child and as a consequence of which as has been contended by the counsel for the petitioner they had adopted a child as per the adoption deed placed on the record. A perusal of the FIR reveals a debatable issue arises as to the applicability of offence under Section 306 IPC.

Culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 20, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No