

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

**CRM M-17346 of 2019
Date of Decision: April 25, 2019**

Vijay Kumar

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Shri Raj Singh father of petitioner Vijay Kumar in person.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

Heard.

The brief allegations against petitioner-Vijay Kumar have been levelled in this regular bail application under Section 439 Cr.P.C. moved in FIR No. 11 dated 06.01.2019 under Sections 306, 34 and 498-A IPC registered at Police Station Sadar Jhajjar by Dharmender brother of deceased Sudesh. In his complaint, it is alleged that the marriage between petitioner and the deceased was solemnized in the year 2003 and during the course of matrimonial life, the deceased was

being taunted for bringing less dowry and that the husband have been ill-treating her and used to taunt her that she belongs to a poor family and to appease the accused, he claimed that he used to regularly send money to his sister and that on 06.01.2019 around 03.00 p.m., he received telephonic call from the petitioner that Sudesh has committed suicide by hanging. As has been contended by the petitioner side, it is after 16 years of matrimonial life, the petitioner is alleged to have committed suicide and that there is no allegations against the petitioner /husband for having abetted the suicide.

Mr. Amrik Narwal, DAG, Haryana assisted by SI Ranbir Singh Police Station Sadar Jhajjar does not displace the facts brought to the notice of the Court on behalf of the petitioner but has opposed the grant of the bail.

Appreciating the submissions of the petitioner side as well as State, the petitioner is in custody for almost 3 months and 17 days and upon bare perusal of the FIR, a debatable issue arises over the allegations of abetment to suicide by the petitioner/husband, especially, when the couple has been in this relationship for 16 years and the same could be comprehensively adjudicated at the trial and keeping the petitioner behind the bars would be travesty of justice.

Keeping in view the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be

accomplished 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.

April 25, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No