

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

CRM-M No.20446 of 2019

Date of decision: 23rd July, 2019

Virender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. DPS Bajwa, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Virender in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.22 dated 21.01.2019 under Sections 306, 34 IPC pertaining to Police Station Sadar Narwana, District Jind are that his marriage took place around 14 years ago with deceased Krishna out of which the couple gave birth to three children. The complainant, brother of the deceased, alleges that the petitioner was a drunkard and often used to beat the wife on frivolous pretexts and on 20.01.2019 the deceased had telephonically informed her mother that she was being harassed and beaten by the husband and subsequently it transpired that the deceased on the same very day consumed poison and died, leading to registration of the present case.

Learned counsel for the petitioner Mr. DPS Bajwa, Advocate inter alia contends that a bare perusal of the allegations reveals that no offence punishable under Section 306 IPC is made out and that similarly placed co-accused Pawan has been allowed bail by the trial Court and that the petitioner is behind bars since 04.02.2019.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana on instructions from ASI Prem Singh, readily accepts the facts that have been argued by learned counsel for the petitioner, but has opposed grant of bail in the light of heinousness of the offence and seriousness of allegations.

In the light of what has been argued before this Court, a close look at these allegations shows that a debatable issue arises over the applicability of offence punishable under Section 306 IPC and even the very element of abetment to suicide is highly questionable. The couple has been in this matrimony for almost 14 years and there is no previous incident brought to the notice of the Court regarding any misdemeanor by the petitioner who is behind bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. Thus, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jind. However,

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

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

July 23, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No