

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-51521-2018

Date of Decision:01.03.2019

Surender

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Abhishek Sidhwani, Advocate, for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.218 dated 04.07.2018 under Section 306, 34 IPC (the offence punishable under Section 304-B IPC was added and the offences punishable under Sections 306, 34 IPC were deleted later on), registered at Police Station Sadar, Jind.

Learned counsel for the petitioner states that the marriage of the petitioner was solemnized with deceased-Asha on 22.11.2012 and she committed suicide on 04.07.2018. Out of this wedlock, two children i.e. one son and a daughter were born, who are staying with the family of the petitioner. Petitioner is in custody since 07.07.2018. He further states that it is the petitioner, who has taken the deceased to the hospital and she was died in the hospital.

Learned State Counsel on instructions from ASI Randhir states that initially though the case was registered under Sections 306, 34 IPC, but since the deceased died within seven years of the marriage, the offences

punishable under Sections 306, 34 IPC were deleted and the offence punishable under Section 304-B IPC was added. She further states that the allegations against the petitioner are serious and during the course of post-mortem, an abraded bruise was found on the right cheek of the deceased. Therefore, the petitioner has no right to be admitted on bail.

Heard learned counsel for the parties.

The marriage between the parties was solemnized on 22.11.2012, whereas the deceased died on 04.07.2018. Thus, it is about a period of about six years, she died. There are two children out of the wedlock, who are staying with the family of the petitioner. The conduct of the petitioner that he has taken the deceased to the hospital does entitle him to be admitted on bail. Moreover, the culpability as to whether he compelled the deceased to commit suicide, provision of Section 304-B IPC needs to be established during the course of trial.

However, noticing the fact that the petitioner is in custody since 07.07.2018 and trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner 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.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 01, 2019
seema

(HARI PAL VERMA)
JUDGE