

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

CRM M-23662 of 2019 (O&M)

Date of Decision: October 17, 2019

Anil

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The allegations against accused/petitioner in this regular bail application moved under Section 439 Cr.P.C. in FIR 231 dated 10.08.2018 under Sections 306 and 34 IPC (Section 34 IPC has been deleted later on) registered at Police Station Israna, District Panipat have been levelled by Krishna Devi mother of deceased Geeta wife of the petitioner. It is alleged that marriage between the petitioner and the deceased was solemnized on 17.06.2005 and there arose a matrimonial

dispute between the couple and, as a consequence of which, it is alleged that she started residing separately. It was on 18.07.2018 around 07.00 p.m., it is alleged that deceased made a telephonic call informing the complainant that Krishan, Anil and her mother-in-law Sunhari had beaten her and tried to snatch the children, as a consequence of which, on the next date, the deceased died by drowning.

Mr. Yashveer Kharb, learned counsel for the petitioner *inter alia* contends that it is after 13 years of matrimony, the instant case has come about and that the petitioner is behind the bars since 10.04.2019 for more than 06 months and that prima facie allegations do not attract the commission of offence under Section 306 IPC.

Mr. Baljinder Virk, DAG, Haryana on instructions from SI Mahavir though does not displace the facts that have been brought to the notice of this Court but opposed the grant of bail on the ground of heinousness of offence and shown apprehension that if allowed bail, the petitioner might stifle the trial.

Going through the arguments, the petitioner is in custody since a long time and the allegations on the face of it are suggestive of the fact that a debatable issue arises over the applicability of offence under Section 306 IPC, which can only be adjudicated at the time of the trial. Thus, without adverting to the merits of the petition, 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.

October 17, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

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