

CRM-M-24349-2019

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

CRM-M-24349-2019.

Decided on: September 12, 2019.

Sushil Kumar

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

*** * ***

**PRESENT Mr.Jagjeet Beniwal, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for the grant of regular bail in case FIR No.243 dated 29.8.2018, under Sections 306/34 of the IPC registered at Police Station City Narwana, District Jind.

As per the FIR registered at the behest of Sanjeev Kumar brother of deceased Monika, the deceased used to inform him that the petitioner i.e. her husband, her father-in-law and mother-in-law were demanding Rs.2 lac otherwise, they would not allow her to stay in the

house. Deceased Monika had further told the complainant that the petitioner is having illicit relations with one lady and used to give his earnings to that lady at the cost of deceased and her children and for this reason, she has committed suicide.

Learned counsel for the petitioner states that the petitioner is in custody since 30.8.2018. Out of this marriage, the petitioner has two children who are with the grand parents. No prosecution witness has been examined in the case despite number of opportunities. He further relies upon **2008 (2) RCR (Crl.) 562, State of Punjab Vs. Kamaljit Kaur alias Bholi and another**, to contend that conduct of any spouse, if is not upto the expectations of other spouse, and result into commission of suicide by another, abetment of suicide cannot be imputed to the other spouse.

State counsel does not dispute the custody period and the fact that no PW has been examined in the case out of total 40 witnesses cited by the prosecution and case is now stated to be fixed for 18.9.2019.

Heard the learned counsel for the parties.

This Court cannot lose sight of the fact that the children born out of the wedlock are staying with the parents of the petitioner and therefore, considering the welfare of the children, the presence of the petitioner may be necessary. Considering the fact that the petitioner is in custody since 30.8.2018 and the judgment passed by this Court in *State of Punjab Vs. Kamaljit Kaur alias Bholi and another*, (supra), this Court finds that the trial is not likely to be concluded in near future and as such the petitioner deserves to be released on regular bail.

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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.

September 12, 2019.
raj arora

(HARI PAL VERMA)
JUDGE

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