

CRM-M-28403-2019

Date of Decision : 03.09.2019

Mahabir

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Pawan Attri, Advocate
for the petitioner.Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.0041 dated 27.04.2019 filed under Section 306 of the Indian Penal Code registered at Police Station Jhansa, district Kurukshetra.

The allegations against the petitioner/husband-Mahabir in the present petition have been levelled by the complainant-Sandeep Kumar, who happens to be the brother of deceased-Neelam. It is alleged that the marriage between the couple took place about 22 years ago and out of this wedlock, they have two sons and one

daughter aged around 13 years, 11 years and 09 years, respectively. However, on account of matrimonial disaccord, the deceased/wife had come to live with her parents. It is further alleged that about 3-4 months prior to the occurrence, the accused had come to the parental house and taken away the wife and thereafter, the wife died in mysterious circumstances by consuming poison leading to the registration of the present case and arrest of the petitioner on 27.04.2019.

Learned counsel for the petitioner *inter alia* contends that from the present perusal of the FIR and the evidence, nothing is tangible against the petitioner for having abetted the commission of offence and the petitioner is behind the bars for almost four months.

On behalf of the State, the learned State counsel, assisted by ASI Rampal, Police Station Jhansa, though does not displace the facts that have been brought to the notice of this Court but has sought to oppose the grant of bail on the grounds of heinousness of the offences.

Appreciating the submissions of the two sides, the State counsel could not submit anything which could attract the commission of offence under Section 306 of the Indian Penal Code. The couple has been in successful matrimony for the last more than 21 years and there is not even a single instance brought to the notice of this Court which could add a step to the unfortunate death of the deceased. The petitioner is behind the bars for about four

months, thus, culpability, if any, shall be determined at the time of trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Ilalaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

03.09.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No