

CRM-M-34861-2019
Date of Decision : 30.08.2019

Mahabir **.....Petitioner**

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE HARI PAL VERMA

Present : Mr. L.S.Mann, 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 grant of regular bail to the petitioner in case FIR No.1088 dated 30.10.2018, registered under section 302 IPC (later on Section 302 IPC was deleted and Section 306 IPC was added), at Police Station Sirsa City, District Sirsa.

Learned counsel for the petitioner has argued that the marriage between the petitioner and the deceased Krishna was solemnised about 14 years back and out of this wedlock there are two children aged about 12 years and 8 years. There was no dispute between the parties during this period. The allegation against the petitioner is that the petitioner used to harass the deceased as he was having difficulty in paying instalments of the vehicle on account of no earnings in the business. It is stated that the petitioner is in custody since 22.05.2019 and the deceased has committed suicide by hanging. The petitioner has not given any beating to the deceased as there is no such medical evidence in this context.

Learned State counsel, on instructions from ASI Om Parkash, does not dispute the custody but has stated that the allegations against the petitioner are serious in nature and she died in the house of the petitioner. Charges are yet to be framed in this case and the case is fixed for framing of charge on 24.09.2019.

I have heard learned counsel for the parties.

The petitioner is in custody since 22.5.2019, the deceased died after about 14 years of marriage and the petitioner has two sons to take care of them. There is no medical evidence as regards the injury so as to establish beating by the accused. The trial in the case will take sufficient time to conclude. Accordingly, this Court finds that the petitioner deserves to be admitted on bail.

Therefore, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

30.08.2019
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No