

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

CRM-M-36648 of 2019.

Decided on:- October 03, 2019.

Jagdev.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Deepender Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, 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.86 dated 11.05.2019 under Section 306 IPC and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Chhainsa, District Faridabad.

The aforesaid FIR was registered at the behest of Kanta, who is mother of deceased Pinki. As per the FIR, daughter of the complainant, aged about 22 years, was a teacher in a school in village Chhainsa and on 08.05.2019 at about 04.00 P.M., she had put herself on fire after sprinkling kerosene. The brother-in-law (Devar) of the complainant pushed the door and opened the same. Pinki was taken to the hospital at Chhainsa from where she was referred to Safdarjang Hospital. She had died on 11.05.2019 at about 12.00-01.00 P.M. when she was under treatment.

Learned counsel for the petitioner has argued that the petitioner is in custody since 17.06.2019. He was merely a neighbour of the

complainant. Moreover, neither the deceased had left any suicide note nor she made any dying declaration implicating the petitioner in any manner. The complainant and Ram Kumar, who is an eye-witness, have not supported the case of the prosecution while appearing before the trial Court.

Learned State counsel, on instructions from ASI Samay Singh, does not dispute the aforesaid facts including custody of the petitioner.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 17.06.2019 coupled with the fact that the complainant and eye-witness Ram Kumar have not supported the case of the prosecution, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, 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.

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.

October 03, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No