

223.

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

CRM-M-45248-2019

Date of decision: 20.11.2019

PARVEEN KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tejinder Pal Singh, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, 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, pending trial, in case FIR No.529 dated 16.06.2018 registered under Sections 304-B, 34 of IPC (Section 34 IPC deleted and Sections 302, 498-A, 304-B, 34 of IPC added lateron) at Police Station Model Town, Panipat.

The aforesaid FIR was registered at the behest of Radhey Lal Chandra, who is father of the deceased-Gunjan, whose marriage was solemnized with the petitioner on 10.12.2012. Gunjan has died by hanging on 15.06.2018.

Counsel for the petitioner has argued that the deceased has died after about 5 years of her marriage. He refers to the medical record attached with this petition to contend that since she could not conceive and was

getting treatment from Dr. Ravindra Maternity Hospital and other hospitals, she has committed suicide. The postmortem report nowhere indicates any injury on her person, which is sufficient to establish that she died because of hanging. Moreover, the other co-accused named in the FIR have been found innocent during investigation and challan has been presented only against the petitioner. Trial in the case is not likely to be concluded as only 5 witnesses have been examined against the total 19 witnesses cited by the prosecution.

Learned State counsel does not dispute the custody. However, she submits that the deceased has died within 7 years of her marriage and it is not always necessary that for beating, injury must come in the postmortem report. She also submits that 5 witnesses have been examined in the case. The complainant, who has been examined-in-chief, is to be cross-examined and the case before the trial Court is fixed for 18.12.2019 for further PWs.

I have heard counsel for the parties.

Petitioner is in custody since 18.06.2018. The marriage between the parties was solemnized on 10.12.2012 and it is after more than 5 years of marriage, she died because of hanging. The attached medical record does reflect that she could not conceive from this marriage. The trial is not likely to be concluded as against the total 19 witnesses cited by the prosecution, only 5 witnesses have been examined in the case, whereas the 5th witness is yet to be cross-examined. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

20.11.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No