

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

CRM-M No.47543 of 2019

Date of decision: 13th November, 2019

Naresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Naresh Kumar, husband of deceased Sharda Devi, in this first regular bail application filed before this Court under Section 439 Cr.P.C. in case bearing FIR No.341 dated 25.06.2019 under Sections 306, 34 IPC pertaining to Police Station Tauru, District Nuh, are to the effect that marriage between the two was solemnized about twenty years prior to this occurrence which took place on 25.06.2019. It is alleged by the complainant, who happens to be brother of the deceased, that accused husband used to demand his share of the property as well as used to physically and mentally torture the deceased on account of insufficiency of dowry thus compelling the deceased to end her life by means of hanging.

Learned counsel for the petitioner Mr. Abhimanyu Singh, Advocate inter alia contends that it was after twenty years of marriage these allegations have come about which on the face of it, are

unacceptable when the couple was bestowed with four children, who all are grown-up and that the petitioner is behind bars since 03.07.2019.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from HC Pawan Kumar, though has not disputed the facts put forth by learned counsel for the petitioner, but has sought to stoutly oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Appreciating the arguments of the two sides what has come up before this Court, it is after twenty years of successful matrimony the deceased has died an unnatural death by means of hanging by committing suicide. The allegations on the face of it, lead to a debatable issue over demand of dowry and share in the wealth of parents of the deceased. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the opinion that it is a fit case to allow bail to the petitioner in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Nuh. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 13, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No