

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-61652 of 2018 (O&M)
Date of decision : January 23, 2019

Shiv Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Anand Kumar Bishnoi, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State
Mr. BD Rana, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first anticipatory bail of accused petitioner Shiv Kumar in case FIR No. 334 dated 30.11.2018 under Section 306 IPC, Police Station Kasola, District Rewari.

The facts brought to the notice of the Court by the two sides are that a marriage between the petitioner and Sarita Devi deceased took place more than 14 years prior to the occurrence which took place on 30.11.2018 out of which the couple has been bestowed with three kids, all are minors. It is alleged that the present case was got registered on the information of Surender brother of the deceased after he came to know of the death of her

sister wherein he alleged that his deceased sister was administered poison by the accused.

Mr. Anand Kumar Bishnoi, learned counsel for the petitioner submits that the petitioner and the deceased were happily married for more than 14 years and having three kids and there is no tangible evidence collected till date to connect the petitioner with the offence and that nothing is to be recovered.

Mr. Amrik Narwal, DAG Haryana assisted by Mr. BD Rana, Advocate, for the complainant though has not disputed the facts brought to the notice of this Court but has opposed the grant of bail vehemently on the grounds of heinousness of crime and seriousness of allegations submitting that custodial interrogation of the petitioner is very much essential.

Appreciating the submissions of the two sides, to the specific query of the Court learned State counsel accepts that there is no mark of injury to substantiate the allegations contained in the FIR that the deceased was forcibly administered poisonous substance. The couple was in matrimonial alliance for the last 14 years and nothing could be brought to the notice of the Court by the learned State counsel of any likelihood of any dispute between them. It would be traversary of justice to send the petitioner behind the bars in such a situation.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under

section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

January 23, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No