

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

CRM-M-49270 of 2019.

Decided on:- November 25, 2019.

Sagar Kharbhanda.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

Mr. Chanderhas Yadav, Advocate
for the complainant.

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.995 dated 02.06.2019 under Section 306 IPC registered at Police Station Shivaji Nagar, District Gurugram.

Learned counsel for the petitioner has argued that the petitioner is in custody since 02.06.2019 and his marriage was solemnised with the deceased on 25.11.2013. She committed suicide by hanging and died on 01.06.2019. The allegations against the petitioner are that for the last more than a year, he had love affair with a girl and when the deceased had

questioned such relationship, he started harassing her. Facing with this situation, she committed suicide.

He has further argued that there is no active role of the petitioner. He was booked for the offence under Section 306 IPC and the investigation is already over. The charge has already been framed against the petitioner. The conclusion of trial will take long time as no witness has been examined in the case. From this marriage, the petitioner has a small daughter of 4 years of age, who is otherwise staying with the family of the petitioner. Therefore, the petitioner is required to take care of his daughter.

Learned counsel for the complainant has argued that the allegations against the petitioner are serious and it is because of the harassment given by the petitioner, as he was maintaining illicit relations with a girl outside the marriage, the deceased was made to compel to commit suicide. No prosecution witness has been examined in the case and unless the complainant is examined in the case, the prayer of the petitioner for grant of bail is liable to be rejected.

Learned State counsel has also taken a similar stand, as raised by learned counsel for the complainant.

I have heard learned counsel for the parties.

In broader sense, the allegation against the petitioner is that he was having illicit relations with some lady outside the marriage and when the deceased had questioned, she was being harassed. This Court finds that the culpability of the petitioner as regard the allegations is yet to be established during trial. The small daughter of the petitioner, who is aged about 4 years,

should not suffer unless the culpability of the petitioner is established.

Therefore, 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.

November 25, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No