

CRM-M-49912-2019

Date of Decision : 28.11.2019

Birbhan

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Pardeep Panwar, Advocate for
Mr. S.S. Nain, Advocate
for the petitioner.Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.366 dated 27.07.2018 filed under Section 306 of the Indian Penal Code registered at Police Station Pehowa, District Kurukshetra.

As per the accusation of the complainant-father of the girl are as follows:-

The marriage between the daughter of the complainant and the petitioner was solemnized around 19 years, prior to this occurrence which took place on 23.04.2018.

That the son of the complainant received a telephonic call that Asha, daughter of the complainant, was unwell and when they went to the matrimonial home of the deceased, they found her dead by means of hanging.

Learned counsel for the petitioner *inter alia* contends that the petitioner and the deceased were happily married for more than 19 years and the very allegations in the statement of the complainant, father of the deceased, nowhere highlighted any specific role and attribution to the petitioner in the commission of offence and it is only mentioned that they had a tiff earlier and that the petitioner is behind the bars since long time.

The learned State counsel, on instructions from SI Ramesh, Police Station Pehowa, District Kurukshetra, has opposed the grant of bail on the grounds that the petitioner/husband is responsible for this unnatural death of the deceased/wife having quarrelled with her which is suggestive of instigation by the accused/husband in the commission of the offence against the deceased.

Going through the submissions and as is there on the records, it is after 19 years of successful matrimony, this unfortunate incident has come about and the FIR has come about after 03 months of the alleged death.

There is nothing suggestive that it was an enticement by the accused which led to the unfortunate step by the

deceased/wife. The petitioner is behind the bars for about 09 months and the trial is not likely to be concluded in the near future. Thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

28.11.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No