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

CRM-M-1997-2020

Date of Decision: 22.01.2020

INDERJEET

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. N. S. Shekhawat, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 251 dated 03.09.2018, under Sections 302, 304-B, 498-A, 201, 34 of Indian Penal Code, 1860, registered at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner argued that the marriage between the parties had been solemnized on 03.12.2009 and the date of occurrence that is the date when his wife died is 03.09.2018. He further argued that there is no such complaint regarding any harassment on account of dowry etc. Learned counsel further argues that Section 304-B IPC would not be attracted, since death took place beyond a period of 7 years of marriage, while further arguing that a Medical Board had been constituted on 30.04.2019 wherein a categorical finding has been returned that death took place on account of hanging and

therefore, it has to be read as a case of suicide and not Section 302, 304-B IPC.

It is further argued that the petitioner has been in custody since 04.09.2018 and the investigation is complete and charges have been framed. It is further submitted that infact, out of this wedlock there is a minor child born who is unwell having a medical problem of having fluid in the brain and other than the petitioner, there would be no one else to look after the welfare of the minor child. It is also contended that as the challan has already been presented and out of 21 witnesses, only one witness has since been examined and the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on regular bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail. On asking of the Court, however, she is not able to controvert the finding as given by the Medical Board.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody for about one year and four months and while also taking note of the fact that there is a minor child who is unwell and needs his attention, no useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial

Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no effect on the merits of the case.

January 22, 2020
Mehak

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No