

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6854 of 2020(O&M)
DATE OF DECISION:19.03.2020

Vinay Kumar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. B. S. Tewatia, Advocate
for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana.

LALIT BATRA, J. (Oral)

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Vinay Kumar** in case F.I.R. No.325 dated 12.11.2019 under Section 306 IPC read with Section 34 IPC registered at Police Station Sector 17, Faridabad, District Faridabad.

Reply to instant petition filed by learned State counsel taken on record and the copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further submits that as a matter of fact relations between co-accused Seema and her husband-Shiv Kumar (since deceased) were not cordial and for the said reason alone, she was living separately at her parental home since 21.04.2019. He further submits that Seema had already instituted petition

under Section 125 Cr.P.C. seeking maintenance against her husband (since deceased) and apart from that petition under Section 12 of Protection of Women from Domestic Violence Act was also initiated at her instance. He further submits that co-accused Seema has been blessed with a daughter aged 18 years and a son aged 16 years and in this scenario, it is ridiculous to make allegations against her that she is having illicit relations with petitioner. He further submits that even a bare perusal of allegations as levelled in FIR, no offence under Section 306 IPC is made out against the petitioner. He further submits that co-accused Seema has already been extended concession of interim pre-arrest bail by this Court, vide order dated 07.02.2020. He further submits that petitioner is in custody since 22.01.2020 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, challan has already been presented against the petitioner in the Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into

consideration the fact that petitioner is in custody since 22.01.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented against the petitioner in the Court and trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Vinay Kumar** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad, as the case may be.

(LALIT BATRA)
JUDGE

19.03.2020
rimpal

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No