

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

(Heard through VC)

CRM-M-10023 of 2020 (O&M)
Date of Decision: November 19, 2020

Dhanesh Kumar @ Rahul

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Sumit Jain, APP U.T., Chandigarh.

Mr. Ranjit Saini, Advocate
for the complainant.

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.109 dated 31.08.2019, under Sections 306, 304-B, 34 of Indian Penal Code, registered at Police Station Sector 49, Chandigarh.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 31.08.2019. Learned counsel for the petitioner would refer to the FIR to contend that the allegations are general in nature and nothing specific has been mentioned

therein as to how the petitioner has forced the deceased to commit suicide. It is argued that the only specific averment is that on the instigation of the father-in-law of the deceased, the petitioner did not allow the deceased (who is the sister of the complainant) to go and visit her parental home. It is also contended that the matter has already been investigated and charges have been framed and conclusion of trial will take sufficient time, as such, the petitioner is entitled to be enlarged on bail.

On the other hand, learned counsel for the complainant would submit that the petitioner herein used to harass the deceased, who committed suicide within a period of seven years of the marriage.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, also opposes the grant of regular bail to the petitioner while submitting that there are allegations in the FIR of the petitioner torturing the deceased.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 31.08.2019; investigation is complete, as the challan has already been presented and charges framed and it will take sufficient time to conclude the trial, no useful purpose would be served in keeping the petitioner behind bars. 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 personal bond in the sum of ₹ 1 lac with one surety in the like amount 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 affect on the merits of the case.

November 19, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No