

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-23015-2020

Date of Decision:20.08.2020

Ashwani @ Sonu Dankar

.....Petitioner

Versus

The State of Haryana

.....Respondent

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

Present: Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

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

Mr. Tarunveer Singh, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this 2nd petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.288 dated 17.08.2019 under Sections 302, 306, 498-A, 406 IPC, registered at Police Station Civil Lines, Sonapat, District Sonapat.

The earlier petition i.e. CRM-M-1178-2020 filed by the petitioner was dismissed as withdrawn with liberty to file a fresh one with better particulars/documents vide order dated 27.02.2020 passed by this Court.

Learned counsel for the petitioner has argued that marriage of the petitioner was solemnized with the deceased on 07.03.2011 and she died on 16.08.2019 because of hanging, leaving behind two small children, aged

07 years old daughter and 05 years old son, who are residing with the parents of the petitioner i.e. grand-parents of the children. He submits that during investigation, it has not been established that the petitioner was ever maintaining illicit relations with another lady. His prayer for bail has been declined by the trial court merely on the ground that he is working as an SDO in the Electricity Department and one of his relative Naresh Kumar is working as an ASI with the Haryana Police posted in Sonapat. Petitioner is in custody for the last about one year. The orders dated 14.12.2019 and 30.05.2020, whereby regular bail application of the petitioner was dismissed have been passed without appreciating the facts. In the order dated 14.12.2019 in paragraph No.6, learned Additional Sessions Judge observed that the petitioner was married with the deceased from the last 15 years, whereas in the order dated 30.05.2020, bail was declined on the premise that the prosecution has not examined the complainant-Jaibir Singh and it was an unnatural death occurred within seven years of marriage of deceased-Suman with the petitioner. He states that in the CCTV footage collected during the investigation, petitioner was not found present at the time when the deceased has committed suicide.

At this stage, learned counsel appearing on behalf of the complainant submits that during the investigation period, matter has been resolved between the parties in principle and he has no objection, in case, petitioner is admitted on bail.

Learned State Counsel does not dispute the custody period. However, she submits that challan in the case has been presented and charges have been framed. As against total 28 witnesses cited by the prosecution, 04 witnesses have been examined, but the complainant has not

been examined in the case. She states that no substance was found in the allegation that the petitioner was maintaining illicit relations with another lady.

Heard learned counsel for the parties.

Petitioner is in custody for the last about one year. The allegation made by the complainant that the petitioner was maintaining illicit relations with another lady was not found favourable by the Investigating Agency. As against total 28 witnesses cited by the prosecution, 04 witnesses have been examined in the case. Trial in the case is not likely to be concluded in the near future. There are two small children in the family, who needs to be taken care. Moreover, learned counsel for the complainant has pointed out that the matter has been resolved between the parties, this Court finds that, at this stage, the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

The petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

August 20, 2020
seema

(HARI PAL VERMA)
JUDGE

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