

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

CRM-M-17028-2020

Date of decision: - 03.07.2020

Vinod Rao

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. K.L. Saini, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, Deputy A.G., Haryana.

Mr. R.S. Budhwar, Advocate,
for the complainant.

HARSIMRAN SINGH SETHI, J. (ORAL)

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.50 dated 08.02.2020, under Sections 304-B/34 IPC, registered at Police Station Ladwa, District Kurukshetra.

Learned counsel for the petitioner argues that even as per the post-mortem report, the death of the wife of the petitioner was due to the

hanging and there are no other injuries or marks to show that the deceased was hanged forcefully and rather the same was a case of suicide. Learned counsel for the petitioner further argues that even the complainant has given an affidavit that the complaint was made by him without knowing the actual facts and he does not support the complaint any more.

Learned counsel appearing on behalf of the respondent-State states that in the order passed by the Additional Sessions Judge (Exclusive Court for Heinous Crime against Women), Kurukshetra dated 29.05.2020, it has been recorded that the affidavit has been procured from the complainant so as to secure the bail and therefore, the prayer of the petitioner for the grant of regular bail be rejected.

Learned counsel appearing on behalf of the complainant supports the case of the petitioner. Learned counsel for the complainant states that the complaint was made without knowing the actual facts and after the actual facts were brought to the knowledge of the complainant, he gave an affidavit without any pressure from the accused that the deceased hanged herself.

I have heard learned counsel for the parties and have gone through the record.

Once, the complainant has appeared and is not supporting the allegations made in the complaint and has also filed an affidavit to the said effect and also when mother of the petitioner, namely, Babli Devi, has already been granted the regular bail by this Court on 24.06.2020 while deciding CRM-M-14457-2020, petitioner has also made out a case for the grant of regular bail. The order passed by this Court in

CRM-M-14457-2020, while granting bail to the mother of the petitioner, is as under: -

“The case has been taken up for hearing through video conferencing.

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioner – Babli Devi – in a case arising from FIR No.50 dated 08.02.2020 registered under Section 304-B/34 IPC at Police Station Ladwa, District Kurukshetra (Haryana).

According to the prosecution, petitioner along with her son killed her daughter-in-law due to non-fulfillment of demand of dowry and her body was hanged with a tree in order to project it as a suicide case.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in this case. Petitioner is in custody since 09.02.2020. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner in jail any more.

Learned counsel for the complainant has no objection to grant of bail to the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner – Babli Devi – is ordered to be released on bail during pendency of trial, if not required in any other case, on her furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.”

Keeping in view the above, without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required in any other case, subject to the satisfaction of trial Court/Duty Magistrate concerned.

It is also directed that if it is found that the petitioner is trying to influence the witnesses, in any way, the respondent-State will be at liberty to file a petition for cancellation of bail.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

Present petition stands allowed accordingly.

July 03, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No