

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

CRM-M-21133-2020 (O&M)  
Date of decision : 31.07.2020

Sudish Kumar

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Amrik Singh Kalra, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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**ANIL KSHETARPAL, J. (ORAL)**

This is second petition for grant of bail pending trial in a criminal case arising from FIR No.344 dated 08.08.2018 registered under Sections 306, 34 of the Indian Penal Code (Section 304-B added later on) at Police Station Ambala Cantt, District Ambala, Haryana.

The first application for bail was dismissed as withdrawn on 02.05.2019.

In a nutshell, the case of the prosecution has been noticed by the learned Special Court, Ambala in para 2, which is extracted as under:-

*“2. As per police report, on receipt of information qua commission of suicide by Sunita, the police party reached*

*at the spot where the complainant (brother of deceased) got recorded his statement to the effect that the marriage of Sunita Kumari (since deceased) was solemnized with Sudish Kumar (Petitioner) in May, 2015. Sudish Kumar was serving in Army and had been residing along with his wife Sunita (since deceased) since 2017 in Army Quarter at Ambala Cantt. He stated that his sister used to tell him on his phone that Sudish used to give beating with legs and fist blows. He used to say that whatever had been given by her father, she should take the same and return to her parental home. The complainant further averred that due to this, his sister used to remain tense. One month before the incident also, Sudish Kumar had given beating to his sister and she asked him to take her from there. The complainant also stated that once his younger brother Pardip Kumar came to meet his sister, her husband gave beatings to her. He further stated that when his sister was residing with her in-laws at Lucknow, her mother-in-law Pyari Devi also used to beat her and stated that she had brought less dowry in the marriage. Her father-in-law Ram Bilas also used to taunt her. It is stated that the complainant received information about the suicide of his sister from cousin of Sudish Kumar. On this, FIR under Section 306/34 IPC has been registered.”*

Learned counsel for the petitioner contends that the alleged suicide note does not bear the date, signature or name of the deceased. He further submits that the petitioner is in custody for nearly 2 years.

On the other hand, learned counsel for the State has submitted that the prosecution has already got recorded the statement of 6 prosecution witnesses and only 7 witnesses are yet to be examined.

Due to the restricted functioning of the Courts on account of the spread of Novel Coronavirus, recording of evidence does not appear to be a possibility in the near future. The petitioner has already undergone nearly 2 years of sentence. He is not involved in any other case.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

**31.07.2020**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-      Yes/No**

**Whether reportable:-                Yes/No**