

CRM-M-24746-2020

Date of Decision: 16.11.2020

Surender alias Chhinderpal

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. B.S.Virk, D.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 61 dated 12.05.2020, registered at Police Station Jakhal, District Fatehabad, for the alleged commission of an offence punishable under Sections 306/34 of the IPC.

Learned counsel for the petitioner submits that, firstly, as a matter of fact, no offence punishable under Section 306 of the IPC is made out against the petitioner as no avert act is specifically attributed to the petitioner.

He further submits that though the marriage of the petitioner with the deceased was admittedly 12 to 13 years old, not a single complaint was ever made with regard to any harassment by the deceased against the petitioner.

He next submits that in fact the deceased used to remain under depression after her elder son unfortunately died due to drowning, aged 09 years.

Upon query to learned State counsel, he could not deny the fact that there was no other complaint received (as per his instructions), with regard to any harassment of the deceased by the petitioner at any earlier stage.

Having considered the matter, though the first contention of learned counsel for the petitioner would be very doubtful, inasmuch as specific allegations have been made against the petitioner, of being a drunkard and having harassed and beaten up his late wife etc., however, looking at the fact that even as per learned State counsel (as per his instructions), there was no other complaint ever lodged earlier against the petitioner, and there was no suicide note and further, that the deceased had unfortunately lost her son a short time earlier, seeing also the fact that the petitioner has been in custody for the past 06 months, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

November 16, 2020

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Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.