

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-23613-2019 (O&M)
DATE OF DECISION : 14.08.2020**

Kamaljeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sansar Kundu, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.13 dated 16.01.2019 under Sections 323, 498-A, 506/34 of IPC, 1860 (Section 304-B of IPC was added later on), registered at Women Police Station, District Jind.

2. FIR was registered on the complaint of wife of the petitioner i.e. Ramrati alias Usha (now deceased) to the effect that her marriage was performed with Kamaljeet (petitioner) on 20.06.2014. Immediately after marriage, petitioner started harassing and torturing her. Out of wedlock, one son was born, who is now 5-6 years old. When the deceased was second time pregnant, her husband forcibly, by threatening her to kill the minor child, got a suicide note/letter scribed from her, wherein she stated that she herself will be responsible for her death. Thereafter, petitioner forcibly administered some substance by mixing the same in water. After consuming the same, she felt pain in stomach and requested the petitioner to take her to doctor but he did not.

She herself reached Civil Hospital, Jind and informed her parental family. The doctor refused to treat her in the absence of copy of Aadhar card. Therefore, she was shifted to a private hospital from where she was referred to PGIMS, Rohtak. The petitioner along with one person came there also and threatened her. During the treatment, victim/complainant died on 29.01.2019.

3. Learned counsel for the petitioner submits that he has been falsely implicated in the case. He relies on Viscera Report and submits that cause of death of the deceased was septicemia and alleged poisoning/mixing of anything in the water administered to her, as alleged .

5. He further submits that petitioner has a minor son, who is 5-6 years old and there is no one to look after him in his absence as unfortunately he has already lost his mother. Minor son cannot be deprived of his sole parent/father by keeping him in custody. Minor son is currently staying with the sister of the petitioner, who is also married and has her own two children to look after, apart from other household activities.

6. Learned counsel for the petitioner submits that challan against the petitioner has been presented. He is in custody since 31.01.2019. He submits that prosecuting agency had relied upon 20 witnesses and only one has been examined till date.

7. Notice of motion.

8. Mr. Vikrant Pamboo, DAG, Haryana who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana.

9. Learned State counsel submits that investigation is complete and further custodial interrogation of the petitioner is not required. Challan against the petitioner has been presented. Petitioner is in custody since 31.01.2019 i.e. more than one and a half year.

10. I have heard learned counsel for the petitioner, as well as learned State counsel.

11. Viscera Report submitted by Department of Pathology, PGIMS, Rohtak reveals that cause of death, in fact, was multi organ pathology (i.e. infract of brain, acute injury of kidney and bronchopneumonia) associated with septicemia shock and blood disorder. There is no mention of the pregnancy or presence of any substance administered to the deceased, as alleged in the complaint. Petitioner was not with the deceased after she left her matrimonial home for her treatment.

12. In the aforesaid premise, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over and challan has already been filed. The trial is not likely to conclude any time soon on account of current pandemic conditions caused by Covid-19.

13. In the circumstances, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/Duty Magistrate.

August 14th 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No