

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

Crl. Misc. M-30561 of 2020
Date of decision: 06.10.2020

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Suresh

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Naveen S. Bhardwaj, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No. 163 dated 13.04.2020 under Sections 306, 34, 120-B IPC, registered at Police Station Tosham, District Bhiwani (challan filed under Section 306 IPC only).

Counsel for the petitioner submits that the petitioner is in custody since 30.06.2020. Deceased Sunita was the wife and they were married in the year 2004 and there are two sons from the wedlock aged around 14 and 11 years. It is further submitted that the sister of the deceased is also married to the brother of the petitioner and the FIR has been wrongly lodged by Kaptan Singh, father of the deceased. It is contended that there is no suicide note as such and in such circumstances, no useful purpose would be served by keeping the petitioner in further custody since the challan has already been presented and the investigation is complete.

A perusal of the FIR would go on to show that the deceased had committed suicide by hanging herself and the allegations were that she had been troubled by the petitioner and his mother and two neighbours. It has been mentioned by the Additional Sessions Judge, Bhiwani that the neighbours have been found innocent and counsel for the State also submits that the mother-in-law of the deceased as such has also been found innocent. The FIR as such does not talk about abetment as the allegations are that she was accused of being characterless by the petitioner and harassed by the accused.

In such circumstances, keeping in view the custody period and the fact that the petitioner has two minor children as such, it would be in the interest of justice if the petitioner is released on bail during the pendency of the trial which is likely to take considerable time to conclude as charge has also not been framed yet.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Bhiwani. Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

06.10.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No