

231.

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

CRM-M-53356-2019

Date of decision: 17.01.2020

PARVEEN KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Baljeet Nain, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.99 dated 27.07.2019 registered under Sections 304-B and 34 at Police Station Jhansa, District Kurukshetra.

Learned counsel for the petitioner, while referring to the OPD card of the deceased-Reena Devi, dated 09.10.2018 issued by the PGIMER, Chandigarh, states that the deceased was getting treatment from Psychiatric Department and the fact that she was not mentally well has been admitted by none else but by the complainant-Raj Kumar. He refers to the statement of Raj Kumar (Annexure P-2), dated 31.01.2019 wherein he has stated that his daughter was not mentally well. He submits that it was second marriage of the deceased-Reena, as her earlier marriage with Prince son of Mohan Lal could not pull well, for which, a decree of divorce under Section 13-B of

Hindu Marriage Act was granted by the District Judge, Family Court, Ambala, dated 29.05.2018 (Annexure P-3). He further states that even before marriage, the deceased was getting treatment from Patnaik Hospital for her psychiatric problem which is clear from laboratory report dated 30.09.2016 (Annexure P-4). The petitioner is in custody since 05.08.2019. Thus, even before marriage, the deceased was getting psychiatric treatment, though she died on 27.07.2019.

Learned State counsel does not dispute the custody. However, she submits that since the deceased has died within 1 year of her marriage and the complainant has not been examined in the case, the petitioner has no case for grant of regular bail.

I have heard learned counsel for the parties.

The complainant-Raj Kumar himself in his statement made on 31.01.2019 has stated that as his daughter-Reena Devi is not mentally well, if she commits any such act, the family members of the petitioner including the petitioner would not be at fault. In order to ascertain the veracity of the very document Annexure P-2, this Court vide order dated 18.12.2019 has directed the complainant to remain present. However, the complainant is not present.

Considering the fact that even before marriage, the deceased was getting psychiatric treatment which is apparent from the laboratory report (Annexure P-4) issued by Patnaik Hospital, coupled with the fact that it was second marriage of the deceased with the petitioner, this Court finds that the culpability of the petitioner for the offence alleged in the FIR is yet to be established during trial. Moreover, the complainant was directed to be

present so as to get the document Annexure P-2 verified, but still he has not come present, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

17.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No