

228.

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

CRM-M-339-2020

Date of decision: 14.01.2020

RAJ KUMAR ALIAS RAJU

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sushma Chopra, Advocate, for the petitioner.

Mrs. Ruchika Sabherwal, AAG, Punjab.

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, pending trial, in case FIR No.0048 dated 13.04.2019 registered under Sections 306, 34 of IPC at Police Station Arniwala, District Fazilka.

Petitioner is the husband of the deceased-Ekta Rani. The marriage between the parties was solemnized about 8 years back. As per the FIR, the allegations are that the petitioner and his parents used to threat, harass and fight with the deceased. Earlier also, she was turned out from the matrimonial home after causing injuries to her.

Learned counsel for the petitioner has argued that though on the statement of Bimla Devi, who is the mother of the deceased, the other co-accused, which includes father, brother and sister-in-law (*bhabhi*) were also arrayed as accused, however, during investigation, they were found innocent. The deceased has died by hanging and no mark of injury was found on her person. Petitioner is in custody since 13.04.2019. There are

two children from this wedlock and they are staying with the mother of the petitioner.

Learned State counsel does not dispute the custody and the fact that the other co-accused, namely, Ashok Kumar (brother), Preeti @ Pooja (sister-in-law) and Ramesh Kumar (father) have been found innocent.

I have heard learned counsel for the parties.

It being an old marriage solemnized about 8 years back and the other co-accused have been found innocent during investigation and noticing the nature of injuries, at this stage, this Court finds that the culpability of the petitioner is yet to be established during the trial. The trial in the case will take sufficient long time as only 2 witnesses have been examined out of total 10 witnesses cited by the prosecution. Thus, 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

14.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No