

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No.595 of 2021

Date of decision:12.01.2021

Mukesh Kumari

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Manjit Kundu, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.1333, dated 02.12.2019 registered under Sections 306 and 120-B IPC, 1860, at Police Station Thanesar City, District Kurukshetra.

Counsel for the petitioner has argued that the FIR was registered against the petitioner as a result of matrimonial dispute between her and her husband-complainant. He submits that the petitioner was married to the complainant on 14.11.2005 and there has been a discord between the parties for quite some time, which resulted in registration of an FIR under Sections 506 and 509 IPC and filing of a petition under the Domestic Violence Act, 2005, against the complainant. A petition for dissolution of marriage was also filed, which has now been withdrawn. Counsel contends that after investigation of the present FIR, the Investigating Agency submitted cancellation report on 30.12.2019 but the complainant filed an application for re-investigation and the matter has been referred to a Special Investigating Team. Counsel has referred

to the affidavit dated 04.01.2021, Annexure P-2, executed by the husband-complainant, wherein he has deposed that keeping in view the interest of the minor children, who were aged 15 years and 12 years respectively, the couple has decided to settle all their differences. It has been further deposed that he does not have any objection, in case the petitioner is released on bail.

Per contra, learned State counsel upon instructions from SI Karambir Singh, has opposed the petition. He has submitted that the petitioner was arrested on 27.11.2020 on the basis of the statement given by the sister of the complainant.

Counsel appearing for the complainant-husband has admitted the factum of compromise between the parties and states that the complainant stands by his affidavit, Annexure P-2.

I have considered the rival submissions of the parties.

Considering the fact that after investigation, the police found the petitioner to be innocent and prepared a cancellation report, the involvement of the petitioner is debatable. Moreover, the possibility of naming the petitioner as an accused because of the acrimony between the parties cannot be ruled out.

Keeping in view the nature of allegation, gravity of offence, in particular the affidavit dated 04.01.2021, Annexure P-2, executed by the husband-complainant, the welfare of two minor children and the fact that the trial is likely to take time due to spread of the contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

12.01.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No