

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Criminal Misc.-M No.13246 of 2020  
Date of Decision: January 25, 2021

Surender Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rahul Sharma-I, Advocate,  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ashit Malik, Advocate,  
for the complainant.

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**MANOJ BAJAJ, J. (Oral)**

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.23 dated 13.01.2020, under Sections 306 and 34 IPC, 1860, registered at Police Station, Kurukshetra University, District Kurukshetra. The petitioner is in custody since his arrest on 16.01.2020.

The allegations contained in the FIR, as noticed by the Additional Sessions Judge, Kurukshetra in his order dated 17.04.2020, are as under:-

*“Complainant got recorded the FIR on 13.1.2020 with the allegations that he is working as Supervisor in PWD department and he is having two daughters and two sons and his elder daughter, aged about 30 years, who was married in the year 2012 with the accused was on the family way but her son had died before birth and thereafter, she was not having*

*any issue; and that the accused used to consume liquor and did not earn anything; and that his daughter used to make her two ends meet by sewing and she was harassed by the accused and his family members and they used to give beatings to her and in this regard, 3-4 panchayats were convened; and that on that day, at about 10.30 a.m., he received the telephone of his daughter that her husband was giving beatings to her along with his family members and after some time, he received the telephone of accused Surrender that his daughter, since deceased has consumed some poisonous substance and was being taken to hospital and therefore, he along with his family members reached the hospital and at about 5.30 p.m., he received the information that his daughter had died; and that she had died due to the harassment by the accused and his family members and, therefore, action may be taken against them.”*

Learned counsel for the petitioner contends that the victim was married to the petitioner in May, 2012, however, no child was born. He has pointed out that victim-Ritu (wife of the petitioner) ended her life voluntarily by consuming poison on 13.01.2020 and after completion of the investigation, the final report as submitted in March, 2020. He submits that though the charges were framed on 15.12.2020, but no prosecution witness has been examined so far. He prays for bail.

The prayer is opposed by Mr.Ashit Malik, learned counsel appearing on behalf of the complainant on the ground that since no child was born and, therefore, the victim was taunted and compelled to end her life. He has argued that the statements of the relatives recorded under Section 175 Cr.P.C., contain the reason for the suicide by the victim.

On the other hand, learned State counsel, assisted by SI Raghubir, has also opposed the prayer. However, it is not disputed by him

that despite framing of charges, no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 15.12.2020, but no prosecution witness has been examined so far and, therefore, considering his custodial period, this Court does not find any reason to decline the prayer, particularly when the trial will take considerable time to conclude in the wake of outbreak of pandemic COVID-19 in the region.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kurukshetra.

**January 25, 2021**  
**ramesh**

**( MANOJ BAJAJ )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**