

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.19133 of 2020
Date of decision:07.04.2021

Rinku @ Ajij

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ranjit Saini, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Navkiran Singh, 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.32, dated 14.02.2020 registered under Section 346 IPC, 1860, (Section 306 IPC has been added later on), registered at Police Station Chhachhrauli, District Yamunanagar, Haryana.

FIR, Annexure P-1, has been registered on the complaint of Mohd. Tahir, father of the deceased, on the allegation that his daughter Shubana was married to Rinku (present petitioner) in the year 2008, and two children were born out of the wedlock. He alleged that there were regular quarrels between the couple and he had received information that his daughter was missing. After her dead body was found, FIR was

initially registered under Sections 302 and 34 IPC. During investigation, it was found that the petitioner had instigated Shubana (deceased) to commit suicide and the offence under Section 302 IPC was converted into Section 306 IPC. The petitioner was arrested on 15.02.2020.

Counsel for the petitioner has contended that the allegation against the petitioner is that he used to remain under the influence of liquor and the relations between him and his wife were strained. He submits that there is no material with the prosecution to come to the conclusion that the petitioner had instigated the deceased to jump into the canal. He submits that the investigation is complete, challan has been presented and the prosecution evidence is underway. He has referred to the statements recorded by the prosecution witnesses to submit that the prosecution has not been able to prove the charge and there is no evidence on the record to show that the petitioner abetted the deceased to commit suicide.

Per contra, learned State counsel upon instructions from ASI Jagdeep Singh, has opposed the petition. He has referred to FSL report, a copy of which has been taken on record, to submit that no doubt, there is no injury mark on the body of the deceased nor any poison was detected in the viscera, but the prosecution has managed to collect sufficient material to establish that the petitioner is responsible for the death of his wife. He submits that the complainant as well as brother of the deceased have levelled, specific allegations against the petitioner regarding physical abuse of the deceased which prompted her to take the extreme step. As per his instructions, challan has been presented on 12.05.2020,

charges have been framed on 15.01.2021 and 05 out of 22 prosecution witnesses have been examined.

I have considered the rival submissions of the parties.

On the basis of the arguments addressed by the parties, it remains debatable as to whether the petitioner has abetted the deceased to commit suicide.

Keeping in view the nature of allegations, gravity of offence, the incarceration of the petitioner which by now is more than one year and one month, and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind 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 furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

07.04.2021

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(SUVIR SEHGAL)
JUDGE

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