

(Proceedings through Video Conferencing)

CRM-M-33845-2021

Date of Decision : 10.09.2021

Bhup Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nikhil Vats, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

MANJARI NEHRU KAUL (Oral)

Instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.51 dated 19.02.201, registered under Section(s) 302, 34 IPC (Later on Section 302 IPC converted into Section 306 IPC), at Police Station City Jhajjar, District Jhajjar.

Learned counsel for the petitioner submits that the deceased, who was the daughter-in-law of the petitioner, committed suicide by hanging after 09 years of her marriage. He submits that there was no complaint ever made prior to the registration of the FIR in-question against either the petitioner or anybody else from the in-law's family of the deceased with respect to any harassment or torture which may have been meted out to her. Learned counsel for the petitioner further submits that infact, the deceased was suffering from some medical ailments and as a result of which she was under the depression as she feared that she may be suffering from cancer. In support of his submission qua the medical ailments which the deceased was suffering from, learned counsel for the petitioner has invited the attention of this Court to medical report of the deceased (Annexure P-2). He has further submitted that the allegations

levelled in the FIR reveal that totally false and unbelievable allegations have been levelled that the petitioner, his wife, son and brother-in-law had been maltreating the deceased as a result of which she ended her life more so when prior to the alleged occurrence, no complaint had ever been made against them. Learned counsel for the petitioner further submits that a perusal of the allegations levelled in the FIR in question, leave no manner of doubt that the essential ingredients to attract the mischief of Section 306 IPC are clearly amiss in the case in hand. A prayer has, therefore, been made that the petitioner be extended the concession of bail as he has been in custody since 19.02.2021 and only charges stand framed as on date.

Per contra, learned State counsel, while opposing the prayer and submissions of learned counsel for the petitioner, has submitted that the petitioner has been specifically named in the FIR and the complainant has levelled specific allegations that he and his family would ill-treat the deceased. He has, thus, prayed that the instant petition be dismissed.

Heard learned counsel for the parties..

Since the petitioner has been in custody since 19.02.2021 and the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

10.09.2021
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No