

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

209

(Through Video Conferencing)

CRM-M-35417-2021

Date of decision: 24.09.2021

Rajpal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.147 dated 30.03.2021 lodged under Section 306 of the Indian Penal Code, 1860 (for short, "the IPC") registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that it is after 18 years of marriage, the deceased ended her life by consuming sulphas. He further submits that prior to the occurrence in question no complaint was ever made either by the deceased or anyone from her family qua the alleged maltreatment being meted out to her. He has invited the attention of this Court to the statement of the deceased on the basis of which the FIR in question was registered. Learned counsel submits that the deceased had merely stated that her husband i.e. the petitioner was an alcoholic and under the influence of liquor had been harassing her and her children since the date of marriage. Besides this she had stated

that the petitioner had relations with other women. Learned counsel submits that the allegations levelled in the FIR in question could not be said to attract the mischief of Section 306/107 of the IPC. Learned counsel submits that the petitioner has been in custody since 05.04.2021 and since charges have been framed no useful purpose would be served in keeping him behind bars as the trial is unlikely to conclude in the near future. Hence, the petitioner be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer, on instructions from ASI SI Birbal Singh, has not been able to controvert the submission made by learned counsel for the petitioner that no complaint was ever made against the petitioner qua his illicit relations or even qua his alcoholism. However, she submits that the deceased had in her statement categorically stated that she was fed up with the alcoholism and conduct of her husband i.e. the petitioner.

Heard learned counsel for the parties and perused the material on record.

In the facts and circumstances as enumerated hereinabove, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

24.09.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No