

CRM-M-43775-2020

Date of Decision: 15.02.2021

Rajesh Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Krishan Singh, Advocate, for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 102 dated 18.07.2020, registered at Police Station Buria, District Yamuna Nagar, for the alleged commission of an offence punishable under Section 306 of the IPC.

Learned counsel for the petitioner submits that admittedly the marriage of the petitioner with the deceased took place 12 years prior to her death and in fact she was depressed as she could not have a child, due to which he committed suicide.

He next submits that the petitioner has been in custody since July 2020 with the trial still to commence.

Upon query to learned State counsel, he, on the basis of the reply filed by the DSP Yamuna Nagar, does not deny the factual position but submits that the allegation against the petitioner was that he was harassing his wife for dowry and was in fact taunting and harassing her for not giving birth to a child, on account of which she committed suicide.

Upon further query to learned State counsel, he submits that there is no suicide note recovered as regards the death of the deceased.

Having considered the above, without making any comment on the actual merits of the case, looking at the period of custody of the petitioner and the stage of the trial, with there also being no suicide note recovered, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is again made absolutely clear that all observations made hereinabove only are wholly in the context of a petition by which the petitioner seeks to be admitted to bail and would not influence the trial court in any manner, as regards the trial, which would naturally determine the guilt or innocence of the petitioner wholly on the basis of evidence led before that court.

February 15, 2021

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.