

CRM-M-52170-2021
Decided on : 17.12.2021

Lokesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Aditya Sanghi, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

MANJARI NEHRU KAUL, J.

Instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.21 dated 23.01.2020 under Sections 306 IPC, 1860 registered at Police Station Nangal Chaudhary District Mahendergarh.

Learned counsel for the petitioner *inter alia* submits that the deceased, who was the wife of complainant Vedpal, went missing on the night of 22.01.2020 as a result of which FIR was registered under Section 346 IPC by him wherein he expressed suspicion that it was the petitioner, who had taken his wife to some unknown place. It was further alleged that the petitioner had also provided a mobile phone to his wife and despite having apologized to the complainant, he kept stalking his wife repeatedly. Learned counsel further submits that thereafter the deadbody of the deceased was found floating in the village pond on 31.01.2020. The brother of the deceased after the recovery of her dead body, levelled allegations of rape and murder against the petitioner and four others, which however during investigation were found to be without any substance, as a result of

which offences under Section 365, 302 and 376-D IPC were deleted. He still further submits that strangely without there being any qualitative evidence on record much less in the form of even any suicide note left behind by the deceased, petitioner was challaned under Section 306 IPC. He submits that the ingredients to attract the mischief of an offence under Section 306 IPC are clearly amiss in the case in hand from the facts and circumstances, particularly from the sequence of events ever since the deceased went missing from her house on 22.01.2020. He further submits that it could not by any stretch of imagination be said that the petitioner had in any manner abetted the suicide of the deceased. It has also been submitted by the counsel for the petitioner that the only evidence collected by the investigating agency, which is part of the challan, were the call record details between the petitioner and the deceased in addition to his disclosure statement wherein he had confessed to being in a relationship with the deceased. Learned counsel submits that assuming for the sake of arguments, the petitioner was indeed in a relationship with the deceased his alleged relationship with her could not be said to be a positive act on his part to infer that he had instigated the deceased to commit suicide. A prayer has, therefore, been made to extend the concession of bail to the petitioner since the investigation is complete and further incarceration of the petitioner would not serve any useful purpose, more so, as challan stands presented.

Per contra, learned State counsel while opposing the prayer made by counsel opposite, on instructions from SI Virender Singh, has not

been able to controvert the submissions made by counsel opposite that the allegations were initially levelled of murder and rape but during investigation they were found to be without any substance. On a pointed query put to her as to whether there was any suicide note left behind, she replied in the negative but submitted that the petitioner in his disclosure statement had admitted his dalliance with the deceased.

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

In the facts and circumstances as enumerated as well as the submissions made by the learned counsel for the parties coupled with the fact that trial will take considerable time to conclude, the instant 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.

17.12.2021

sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No