

YOGESH KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Kaushal, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI,J. (ORAL)

Yogesh Kumar-petitioner is seeking regular bail in the case bearing FIR No. 785 dated 01.10.2021 under Sections 306/34 IPC, 1860, registered at Police Station City Karnal, District Karnal.

Precisely, the case was registered on the basis of the statement made to the police by Ramdiya alleging that the marriage of his daughter Sangeeta was solemnized with the petitioner in the year 2012. The petitioner was having an extra marital affair and he was abusive and violent towards the deceased. On 30.09.2021, the complainant received a telephonic message from the landlord of the petitioner who informed that the petitioner is being abusive and violent to the deceased. On the same day, the deceased had committed suicide by consuming some poisonous substance.

Learned counsel for the petitioner contends that the marriage was solemnized about 09 years prior to the occurrence, no complaint was submitted in any forum with regard to any marital discord, the investigation of the case is complete, the charge has been framed under Section 306 IPC and conclusion of trial is likely to take sometime.

In pursuance of advance notice, Mr. Vikas Bhardwaj, AAG, Haryana has joined the proceedings on behalf of the respondent-State and placed on record the custody certificate. It has been stated that the report of FSL is yet to be received.

Be that as it may, it is a case of abetment to commit suicide. The petitioner is the husband of the deceased. The marriage was solemnized about 09 years prior to the occurrence. There is nothing to suggest that any complaint was submitted in any forum with regard to the marital discord by the deceased or her parental family during her life time. It will remain debatable and moot point during the course of trial as to whether the petitioner had abetted the commission of suicide. He is in custody for a period of 05 months and 04 days. The investigation of the case is complete, the charge has been framed under Section 306 IPC, and the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

30.03.2022
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(VIVEK PURI)
JUDGE

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