

210 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12310-2022

Date of Decision: 09.11.2022

RAJENDER

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanhiya Soni, Advocate for
Mr. Sunil Kumar Bhorla, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR
No. 245 dated 02.06.2021 under Section 306 IPC registered at Police
Station Sector-5, Gurugram.

Status report and custody certificate have been placed on
record.

Briefly the FIR has been registered on the basis of the statement
made to the police by Dinesh Saini @ Raju, the brother-in-law of the
deceased alleging that the marriage of his younger brother was solemnized
with the deceased about 12 years ago but no child was born from the
wedlock. The deceased used to remain under stress. On 02.06.2021, the
deceased had committed suicide by hanging herself in the room constructed
on the terrace of the house.

Learned counsel for the petitioner contends that the deceased
had committed suicide as she used to remain under depression on account of
non bearing of the child. The petitioner is in custody for a period of 01 year,
5 months and 05 days and not involved in any other case.

Learned State counsel has opposed the bail application on the score that mobile phone of the petitioner was recovered during the course of investigation and it had emerged that he had been sending obscene photographs and messages to the deceased and pressuring her to develop physical relations. It has been further submitted that out of 24, only 04 witnesses including the complaint have been examined.

It is significant to note that the petitioner is in custody for a period of 01 year, 5 months and 05 days and not involved in any other case. The name of the petitioner has not been mentioned in the FIR. It is also emerging on record that the deceased could not bear any child despite the fact that her marriage was solemnized about 11 years prior to the occurrence. The controversy as to whether the deceased had committed suicide on account of instigation and abetment on the part of the petitioner will be a debatable and moot point during the course of trial. The investigation of the case is complete, challan has been presented and so far only 04 out of 24 witnesses have been examined. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

09.11.2022
smriti

(VIVEK PURI)
JUDGE

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