

213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12657-2022

Date of Decision: September 13, 2022

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

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

Mr.B.S.Virk, DAG, Haryana.

.....

RAJESH BHARDWAJ, J.(ORAL)

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.554, dated 10.09.2021, under Sections 306, 302 IPC, registered at Police Station Ghraunda, District Karnal.

As per facts of the case, the present FIR was lodged by brother of the deceased namely, Rahul. It was alleged that marriage of his sister Suman was solemnised with Rakesh (petitioner) on 14.11.2013. They were blessed with two children, i.e. daughter, who is six years old and one son, who is four years old. It is mentioned in the FIR that *jeth* (Parveen) and father-in-law (Gobind) of his sister used to give her beatings and abuse her. They sold the plot and ornaments of his sister. His sister used to oppose the same. His sister told him many times about the dispute in the family. On 10.09.2021 at about 3.30 p.m., the complainant was told by his sister that her

husband (Rakesh), *Jeth* (Parveen) and father-in-law (Gobind) gave her beatings and they were planning to kill her and she called them immediately. They reached the matrimonial home of his sister and found her dead-body there. It was suspected that husband and in-laws of her sister killed her in conspiracy with each other and thus, the complaint was lodged to take the legal action against the accused.

On the basis of the complaint, FIR was lodged and investigation commenced. During investigation, *Jeth* (Parveen) and father-in-law (Gobind) were found innocent and the challan was presented against the petitioner-husband only and he was arrested on 14.09.2021. During investigation, post mortem was also conducted.

Petitioner approached the learned Additional Sessions Judge-cum-Exclusive Court for Fast Tracking of Cases of Heinous Crime against Women, Karnal, praying for grant of bail, who after hearing both the parties, declined the same vide its order dated 08.03.2022. Aggrieved by the same, the petitioner has approached this Court praying for grant of bail.

Counsel for the petitioner has vehemently contended that the petitioner has been roped in the present case being the husband of the deceased. He has submitted that petitioner was married with the deceased on 14.11.2013 and during this period, there was no instance whatsoever regarding any cruelty or harassment caused by the husband or in-laws to the deceased. He has submitted that there is no suicide note whatsoever left by the deceased blaming the petitioner for her suicide. He has submitted that the couple was blessed with two minor children, who are with the grand parents. He submits that the petitioner has no criminal antecedents as he has never been involved in any criminal case except the present one. He has

submitted that investigation has already been completed and the trial has commenced with the examination of prosecution witnesses. He has submitted that from the bare reading of the allegations in the FIR, offence under Section 306 read with Section 107 IPC is not made out as ingredients regarding instigation by the petitioner for committing suicide by the deceased are not made out. He submits that in the overall facts and circumstances, the petitioner deserves to be granted concession of bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that petitioner is the husband of deceased. They were married on 14.11.2013. He submits that there are allegations regarding beating and causing harassment to the deceased by the petitioner and her in-laws. He submits that investigation has been completed and out of 18 prosecution witnesses, one witness already stands examined. He further submits that as per instructions provided, the petitioner has no criminal antecedents.

Heard.

Admittedly, the petitioner was married with the deceased on 14.11.2013. There is nothing on record to show that there was any matrimonial dispute between the husband and the wife prior to her death. As per submissions made by counsel for the petitioner and the learned State counsel, the petitioner has no criminal antecedents. The investigation in this case has already been completed and the trial has already commenced with the examination of prosecution witnesses. Though three accused were named in the FIR, however, during investigation, except the petitioner, rest of the accused were found innocent. Allegations and counter-allegations would be assessed by the trial Court on the conclusion of the trial.

Keeping in view the custody and the overall facts of the case, this Court finds that the counsel for the petitioner succeeds in making out a case for grant of bail to the petitioner.

The trial would take sufficient time for its conclusion and no purpose would be served by keeping the petitioner behind the bars for such a long time.

The present petition is allowed.

Bail to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing stated hereinabove shall be treated as an expression of opinion on the merits of the case.

September 13, 2022
meenuss

(RAJESH BHARDWAJ)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |