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Date of Decision: 14.09.2022

1.	CRM-M-12822-2022
AMAN	... PETITIONER
STATE OF HARYANA	V/S
	... RESPONDENT
2.	CRM-M-32802-2022
ANKIT	... PETITIONER
STATE OF HARYANA	V/S
	... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Birender Singh Rana, Sr. Advocate with
Mr. Ravinder Bangar, Advocate for the petitioner(s).
Mr. Zorawar Singh Chauhan, DAG Haryana.
Mr. Kamal Mor, Advocate for the complainant.
* * *

VIVEK PURI, J. (ORAL)

This order shall dispose of CRM-M-12822-2022 and CRM-M-32802-2022.

The petitioners are seeking regular bail in case bearing FIR No. 551 dated 17.12.2021 under Sections 306, 34 IPC, registered at Police Station Gohana City, District Sonipat.

Custody certificates have been placed on record.

Briefly, the FIR has been registered on the allegations that the deceased was a student of B.Sc (Nursing) in Mukhi College, Gohana and on account of harassment extended by Ankit, petitioner and Annu, the deceased had consumed sulphas tablets on 16.12.2021.

Learned Senior counsel for the petitioners contend that as per the certificate issued by Mukhi College of Nursing, the deceased was not a student of the College. Although she had taken Common Entrance Examination for admission but seat was not allotted to her. Furthermore, Aman and Ankit, petitioners are husband and wife. There are vague allegations in the FIR. The name of Aman has not been mentioned in the FIR and she is being hauled up on the basis of the disclosure statement of Ankit. Annu, whose name has been reflected in the FIR has been found to be innocent.

Precisely, the allegations which have emerged in the disclosure statement of Ankit, petitioner are to the effect that the deceased along with Ankit were spotted in a restaurant on the birthday i.e. 14.12.2021 by Aman, petitioner. She had clicked the photographs which prompted the deceased to commit the suicide. Aman, petitioner is in custody for a period of 7 months and 10 days and Ankit, petitioner is in custody for a period of 8 months and 24 days and are not involved in any other case. The investigation of the case is complete and the challan has already been presented in the Court.

Learned State counsel and learned counsel for the complainant have opposed the bail on the score that the deceased was aged about 17 years at the time of occurrence. The petitioners who are husband and wife had abetted the commission of suicide and the complainant is yet to be examined. It has also been stated that so far only complainant has been examined and still 13 more witnesses are required to be examined. The report of FSL on the voice recording has not been received yet.

The allegations levelled in the FIR are to the effect that Ankit,

petitioner along with Annu had been harassing the deceased. However, Annu has been found to be innocent and there is no specific detail of the harassment reflected in the FIR. The case of the prosecution mainly hinges upon the disclosure statement of Ankit, petitioner. It will be a debatable and moot point during the course of trial as to whether any such disclosure made by the accused can be accepted and acted upon to base the conviction of the petitioners. The Aman and Ankit, petitioners are in custody for a period of 7 months and 10 days and 8 months and 24 days, respectively and they are not involved in any other case. So far the statement of only complainant has been recorded. Still 13 more witnesses are required to be examined. Furthermore, the report of Forensic expert on the voice sample has not been received and the same is also likely to take some time. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioners in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

14.09.2022

Janki

(VIVEK PURI)
JUDGE

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