

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22470-2022

Date of decision : 16.11.2022

Sonu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. V.B. Godara, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

This is the second petition praying for grant of regular bail to the petitioner in case FIR No.39 dated 24.01.2021, under Section 306 IPC, registered at Police Station City Fatehabad, District Fatehabad, Haryana.

As per the facts of the case, the present FIR was lodged on the statement of Ram son of Gopi wherein, he alleged that he married his daughter Rachna with Sonu on 13.07.2016 and after the marriage, they were blessed with two sons i.e. the elder son Aayush who was 02 years of age and Divayansh who was about 01 year of age. It was alleged that his son-in-law was alcoholic and he used to torture his daughter due to excessive drinking. His daughter complained about the same to them number of times and they tried to make him understand, however, he never mend his ways and did not desist from the same. On 22.01.2021 his daughter came to their home and asked for Rs.20,000/- as her in-laws had demanded the same. The complainant expressed his inability in paying the same then he got the phone call from his son-in-law Sonu that

Rachna was not well. On hearing the same, his wife and son went to the matrimonial home of his daughter and found her lying on cot. It was told to them that she committed suicide by hanging. They took their daughter to Singla hospital where, the Doctor was not available. Thereafter, they took her to Sadbhavna Hospital and thereafter to the Government Hospital, Fatehabad where the Doctor declared her dead. It was suspected that his daughter had committed suicide by hanging as she was fed up with the behaviour of his son-in-law Sonu. The request was made to take legal action against the petitioner. On registration of the FIR, the investigation commenced and the petitioner was arrested on 27.01.2021. He approached the Court of learned Additional Sessions Judge, Fatehabad praying for grant of bail, however, after hearing counsel for both the sides, the same was declined by learned Additional Sessions Judge vide his order dated 04.05.2022. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner before this Court is the husband of the deceased. He submits that they both were married on 13.07.2016 and there was nothing wrong in their matrimonial life. They were blessed with two children. He submits that except the bald allegations there is nothing against the petitioner that he caused any harassment or torture to the deceased. He submits that the allegations in the FIR are totally fabricated and have been levelled only to humiliate the petitioner. He submits that on perusal of the allegations in the FIR, ingredients under Section 107 IPC are not fulfilled. He has submitted that as there are no evidence for proving the instigation of abetment under Section 107 IPC, offence under Section 306

IPC is not attracted. He submits that the petitioner has no criminal antecedents. He has further submitted that as wife of the petitioner is no more and he is in custody from the last about 02 years, future of both the minors is also at stake. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He submits that petitioner is the husband of the deceased. There are specific allegations regarding the harassment caused by him to the deceased. He submits that the parents of the deceased tried their level best to resolve the differences between the husband and wife, however, the petitioner never obeyed the same and hence, wife of the petitioner committed suicide in the matrimonial home. He submits that in all there are 24 prosecution witnesses, out of which, 03 witnesses have already been examined. He has submitted that as per the instructions, petitioner is not involved in any other case except the present case.

I have heard counsel for the parties and perused the record.

Admittedly, the petitioner is husband of the deceased. His wife Rachna committed suicide after about 05 years of marriage. Both were blessed with two sons who are in the custody of the grand-parents at present. Whether the offence under Section 306 and 107 IPC is made out or not would be assessed only after appreciation of the evidence led by both the parties. In all there are 24 prosecution witnesses, out of which, 03 witnesses have already been examined as submitted by learned State counsel. There is nothing on record to show that the petitioner has any criminal antecedents.

The trial of the case will take sufficient long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.11.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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