

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222)

CRM-M-23082-2022

Date of Decision: 30.05.2022

Satish Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Vishal Yadav, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case FIR No.406 dated 14.9.2020 registered under section 306 I.P.C at Police Station, Sector 10-A Gurugram.

As per facts of the case, present FIR was lodged by Naresh Kumar. The sum and substance of the allegations in the FIR is that his sister Pooja was married with Jasvir Singh about 13 years ago. Out of the wedlock they were blessed with two sons. However, his sister was enticed away by Satish Kumar i.e. the present petitioner. His sister left her matrimonial home and started residing with Satish Kumar. Satish Kumar never allowed his sister to meet with her family members. His sister disclosed to them that initially Satish used to treat her well but thereafter he started harassing her. He never allowed her any interaction with the family members. On 14.9.2020 they received information that his sister had ended her life by hanging. It was alleged that his sister committed suicide due to harassment caused by Satish Kumar. FIR was lodged to take legal action against the culprit.

The investigation commenced and the petitioner was arrested on 14.9.2020 itself. He approached the court of learned Addl. Sessions Judge, Gurugram for grant of bail, however, after hearing the parties, the same was declined vide order dated 12.4.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that as per the allegations the deceased was not only married but was also the mother of two children, however, petitioner is unmarried. It has been submitted that deceased willingly joined the company of the petitioner. Counsel submits that by reading the allegations in the FIR no abetment under Section 306 IPC read with section 107 IPC is made out. Counsel submits that the necessary ingredients of the aforementioned sections are not fulfilled from the case presented by the prosecution and thus the petitioner cannot be held responsible for the suicide committed by the deceased. He submits that petitioner has no criminal antecedents as he has never been involved in any other criminal case. He submits that despite granting a number of opportunities by the Trial Court the complainant is intentionally not coming forward for his deposition only in order to prolong the incarceration of the petitioner.

On the other hand, learned State counsel has opposed the submissions made by counsel for petitioner and submits that the deceased was living in the company of the petitioner at the time when she committed suicide. He submits that the deceased was married with Jasvir Singh but it was the petitioner who enticed her away and because of the harassment caused to the deceased she ended her life by hanging. State counsel submits

that out of the 13 prosecution witnesses 3 have already been examined.

I have heard learned counsel for the parties at length and have gone through the record carefully.

Admittedly, petitioner is unmarried, whereas deceased was mother of two children. After deserting her husband deceased started living with the petitioner. The investigation already stands completed, charges have been framed and even the prosecution evidence has commenced. As contended by learned counsel for the petitioner the complainant is not coming forward for his deposition despite a number of opportunities granted by the learned Trial Court. Even the bailable warrants have been issued to secure his presence. Petitioner is behind bars since 14.9.2020. Whether the offence under Section 306 IPC read with section 107 IPC is made out or not would be only assessed after conclusion of the trial. In the overall facts and circumstances of the case, this Court finds that counsel for petitioner succeeds in making out a case for grant of bail to the petitioner.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

30.05.2022

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