

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-38667-2021
Date of Decision: 08.07.2022

Love Kumar

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Vivek Goyal, Advocate for the petitioner.

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

Mr. P.K. Rohilla, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.239 dated 25.4.2021 under sections 306 I.P.C registered at Police Station, Shahabad, District Kurukshetra.

As per factual matrix, the FIR in question was lodged by complainant Om Parkash, who is father of the deceased. It was alleged that he married his daughter Manju Devi with Sethi i.e. Love Kumar, the present petitioner about 9 years ago. Out of the wedlock one daughter namely Bhavna and son Nakul Dev were born, who are 6 years and 3 years of age respectively. When he called his daughter on phone, he found that her husband Sethi @ Love Kumar snatched the phone from her and hence he could not complete his talk with her. Thereafter, they went to village Chandro, where the matrimonial home of her other daughter is situated. Thereafter he received a phone call from the father-in-law of his daughter

that she was serious and the call was disconnected. He called back immediately and was informed that his daughter Manju has hanged herself. They immediately reached the matrimonial home of his daughter Manju, where they found the body of Manju lying outside the room on the first floor. It was alleged that on earlier occasions also the in-laws of Manju used to quarrel with her. They brought their daughter back to parental home but his son-in-law came to their home and took Manju back to the matrimonial home. It was also alleged that in-laws of Manju used to trouble her and therefore she was compelled to commit suicide. FIR was lodged to take legal action against the culprits.

The investigation commenced and the petitioner being the husband of the deceased was arrested on 10.5.2021. He approached learned Addl. Sessions Judge, Kurukshetra for grant of bail, however, after hearing the parties, the same was declined vide order dated 2.9.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case only being the husband of the deceased. He submits that the unfortunate incident took place after about 9 years of marriage and during this whole period there was no complaint whatsoever from the side of the deceased or her parents regarding any harassment caused by the petitioner to the deceased. It is submitted that the petitioner is the father of two young children and has no criminal antecedents. He submits that mother of the petitioner, who is co-accused in the case has been granted bail by this court vide order dated 19.8.2021. To buttress his arguments counsel has further submitted that the

learned Trial Court has examined all the material witnesses i.e. the father, mother and two uncles of the deceased as PW-2 to PW-5. He has placed on record depositions of these witnesses on record, wherein they have not supported the case of the prosecution and have been declared hostile on the request of learned P.P. Counsel submits that in view of the overwhelming facts, false implication of the petitioner is writ large. The offence under Section 306 IPC is not made out. Hence further incarceration of the petitioner is not warranted in this case.

Learned counsel for the complainant has affirmed the submissions made by counsel for the petitioner.

On the other hand, learned State counsel has submitted that there are specific allegations against the petitioner in the FIR which were duly investigated and the challan was presented, however, he candidly acknowledges that all the material witnesses have been examined and they have not supported the case of the prosecution.

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

Admittedly, petitioner is the husband of deceased and he is behind bars since 10.5.2021. The marriage in question took place about 9 years prior to the alleged occurrence. There is nothing on record to show that the petitioner has any criminal antecedents. The material witnesses i.e. PW-2 to PW-5 have been examined and they have not supported the case of the prosecution. The veracity of the allegations levelled in the FIR would be finally assessed by the Trial Court on conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the

allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. In the overall facts and circumstances of the case, this court finds that the counsel for petitioner has succeeded in making out a case for grant of bail.

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

08.07.2022

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