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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-39504-2022 in/and  
CRM-M-37045-2022  
Date of decision: 10.11.2022

SUMIT SHARMA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Isha Goyal, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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VIVEK PURI,J. (ORAL)

CRM-39504-2022

This is an application for preponement of the main case which is listed for today. As such, the present application is rendered infructuous.

Dismissed as having been rendered infructuous.

Main case

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Sumit Sharma-petitioner is seeking regular bail in the case bearing FIR No.123 dated 10.05.2022 under Sections 306/34 IPC (Section 304-B converted to Section 306 IPC in Challan/Fianl Report), registered at Police Station Nathu Sarai Chopta, District Sirsa.

Briefly, the allegations against the petitioner are to the effect that his marriage was solemnized with the deceased in the year 2014 and a son who is presently 06 years was born from the wedlock. There are allegations with regard to the demand of car levelled against the petitioner and other family members.

The deceased had committed suicide on 09.05.2022 by consuming some

poisonous substance.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased about 08 years prior to the occurrence. A 06 years old child of the petitioner is presently residing with the parents of the petitioner. No complaint was submitted against the petitioner either by the deceased or anyone from her parental family at any forum during her lifetime. The deceased had committed suicide on account of some health issues and not recorded any suicide note. The allegations were also levelled against the parents of the petitioner but they have been found innocent. The investigation of the case is complete, challan has been presented and charge has been framed under Section 306 IPC. Till date, no witness has been examined.

Learned State counsel has opposed the bail application on the score that it is improbable that the lady will commit suicide leaving behind 06 years old child. Furthermore, there are specific allegations with regard to demand of dowry. Furthermore, out of 18, no witness has been examined till date.

Be that as it may, the petitioner is in custody for a period of 05 months and 11 days and is not involved in any other case. The marriage of the petitioner took place with the deceased about 08 years prior to the occurrence and a son has been born from the wedlock who is presently in the custody of the parents of the petitioner. The deceased had not recorded any suicide note. Even, the parents of the petitioner have been found innocent. There is nothing to suggest that during the lifetime of the deceased any complaint was submitted against the petitioner at any forum either by her or any member of her parental family. It will be a debatable and moot point as to whether the petitioner had abetted the commission of suicide by the deceased during the course of trial. Till date, no witness has been examined. The conclusion of trial is likely to take sometime. No

fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

10.11.2022  
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(VIVEK PURI)  
JUDGE

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