

CRM-M-41427-2022

Date of decision: 02.12.2022

SONU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Dinesh Maurya, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

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

Sonu-petitioner is seeking regular bail in the case bearing FIR No.222 dated 20.03.2022 under Section 306 read with Section 34 IPC, registered at Police Station Assandh, District Karnal.

Briefly, as per the allegations, the marriage of the petitioner was solemnized with the deceased in the year 2007 and four children have been born from the wedlock. The deceased has committed suicide on account of harassment given to her by the petitioner and other family members. It has also been alleged that the petitioner had been giving beatings to the deceased under the influence of liquor. The deceased had committed suicide on 19.03.2022 by consuming cephos tablets.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 08 months and 10 days and is not involved in any other case. The charge under Section 306 IPC has been framed and the complainant has been examined on 26.09.2019. Furthermore, No complaint was submitted

against the petitioner either by the deceased or anyone from her parental family

at any forum during her lifetime and the deceased has not left behind any suicide note. The four children of the petitioner are residing with his parents.

Learned State counsel and counsel for the complainant have opposed the bail application on the score that there are serious allegations levelled against the petitioner and there were injury marks on the person of the deceased.

Be that as it may the charge has been framed under Section 306 IPC. The marriage of the petitioner was solemnized with the deceased about 15 years prior to the occurrence. There is nothing to suggest that during the lifetime of the deceased any complaint was submitted at any forum either by her or any member of her parental family imputing allegations of maltreatment or harassment against the petitioner. The deceased had not left behind any suicide note. The petitioner is in custody for a period of 08 months and 10 days and is not involved in any other case. So far, only 01, out of 13 witnesses 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.

02.12.2022

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(VIVEK PURI)
JUDGE

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