

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53623-2021
Date of Decision: 06.01.2022

Suresh @ Kala

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arun Singal, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

In pursuance of the advance notice, Mr. Zorawar Singh Chauhan, DAG Haryana has put in appearance on behalf of the State and has filed the custody certificate.

The petitioner has prayed for grant of regular bail in case FIR No.249 dated 07.08.2021, under Section 306 of IPC, registered at Police Station Gannaur, District Sonapat.

Briefly, the FIR has been registered on the basis of statement of Jag Mohan alleging that the marriage of his sister Jyoti was solemnized with the petitioner about 15-16 years ago and 2 children were born from the wedlock. After the marriage the petitioner used to harass the deceased physically as well as mentally and the mother-in-law and brother-in-law of the petitioner also joined him in harassing her. Being fed up, the deceased committed suicide by hanging herself in the upper storey of the house.

Learned counsel for the petitioner contends that the marriage between the petitioner and the deceased was solemnized about 15-16 years ago. However, no complaint was submitted at any Forum with regard to any harassment alleged to have been meted out by the petitioner to the deceased. Two

children have been born from the wedlock. The mother-in-law and brother-in-law of the petitioner have been found innocent and there is neither any suicide note nor dying declaration. The investigation of the case is complete and challan has already been presented in the Court.

Learned State counsel has not assailed the aforesaid factual aspect of the case but has argued that there is categorical statement of the complainant against the petitioner and he becomes disentitled to the concession of bail.

It is significant to note that the marriage of the petitioner was solemnized with the deceased about 15-16 years ago and there is nothing to suggest that there was any marital discord or dispute between them as no complaint was submitted against the petitioner during the lifetime of the deceased. Furthermore, the deceased has not recorded any suicide note and even no dying declaration has been recorded in the instant case. The investigation of the case is complete and the challan has already been presented in the Court. The petitioner is in custody for the last 4 months and 28 days and is not involved in any other case.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

06.01.2022

Janki

(VIVEK PURI)
JUDGE

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