

**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51318-2022

Date of Decision: 11.11.2022

Krishan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajender Singh Malik, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, Asstt. Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.231 dated 31.05.2020, registered under Sections 306 & 34 IPC, at Police Station Ganaur, District Sonapat.

As per factual matrix of the case, the present FIR was lodged by the brother of the deceased, wherein, it was alleged that his elder sister who was 26 years of age, performed love marriage of her own will with Krishan son of Kali Ram i.e. the petitioner. After marriage though initially his sister remained happy in her matrimonial life, but thereafter her husband (Krishan), her sister-in-law (Seema) and her mother-in-law started harassing her. His sister i.e. the deceased told him that Krishan is alcoholic. On 30.5.2020 in the night, he received a message that his sister hanged herself. It was suspected that his sister committed suicide being fed up of the harassment caused by her husband, mother-in-law and sister-in-law. Request was made to take legal action against the accused persons. On the basis of the statement of the complainant, the present FIR was lodged and

investigation commenced. Postmortem of the deceased was conducted and statements of the relevant witnesses were also recorded by the Investigating Agency. The petitioner was arrested on 07.09.2020. He approached the Court of learned Addl. Sessions Judge, Fast Track Court, Sonapat for grant of bail, who, after hearing the parties, declined the same vide order dated 14.10.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case only being the husband of the deceased. He has submitted that it was a love marriage and there is no question whatsoever regarding demand of dowry etc. and it is because of the same, there were no allegations of harassment regarding demand of dowry. He has submitted that the petitioner and the deceased were living together happily and it could not have been alleged that it is because of the petitioner and his family members that deceased committed suicide. He has submitted that the petitioner is at threshold of his life, who along with his family members has been implicated for the unfortunate suicide committed by his wife. He submits that the co-accused i.e. mother of the petitioner has also been granted bail by this Court vide order dated 12.07.2021. To buttress his arguments, he submits that brother of the deceased, namely, Lalit has been examined by the learned trial Court as PW-5, who has not supported the case of the prosecution on material points. He also submits that the petitioner has no criminal antecedents. Learned counsel for the petitioner further vehemently contends that in the facts and circumstances of the present case, offence under Section 306 IPC is not

made out. In the facts and circumstances of the case, since the ingredients for the offence under Section 107 IPC are not made out and thus, the petitioner is being prosecuted illegally for the offence under Section 306 IPC. He submits that majority of the witnesses have already been examined and thus, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has submitted that the petitioner is admittedly husband of the deceased, who committed suicide only after 1½ years of marriage. He submits that suicide note left by the deceased was also recovered and it was found that the deceased has specifically implicated the family members of her in-laws. However, he submits that as per information received by him, the petitioner has no criminal antecedents as he has never been involved in any other criminal case. He further submits that out of total 16 prosecution witnesses, 11 witnesses have already been examined.

Heard.

Admittedly, the petitioner is the husband of the deceased, who committed suicide after about 1½ years of marriage. Co-accused i.e. the mother of the petitioner has already been granted bail by this Court on 12.07.2021. There is nothing on record to show that the petitioner has any criminal antecedents. The veracity of the allegations would be evaluated by the trial Court only after appreciation of the complete evidence led by both the parties, whether the same are sufficient enough to constitute the same under Section 306 IPC or not. However, as submitted by learned counsel for the State, out of total 16 prosecution witnesses, 11 witnesses including the material witnesses have already been examined and thus, the petitioner at

this stage obviously is not in a position to influence the prosecution witnesses. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.11.2022		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No