

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 210

Criminal Miscellaneous No.M-16894 of 2023

Date of Decision: May 25, 2023

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..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Kamal Chaudhary, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.294 dated 20.11.2022, registered under Section 306 IPC, at Police Station Tigaon, Faridabad.

2. Briefly, as per allegations in the FIR, the deceased was married to the petitioner; the deceased's sister was married to the petitioner's brother staying in the same house. Three children were born out of the wedlock. The deceased was being troubled, and beaten up also. The deceased had alleged that the petitioner had illicit relations with his sister-in-law, and when she protested she was given beating and thrown out of the house. After that, *panchayat* was called and the petitioner and his family members assured that the deceased would not be harassed or beaten up. But they did not mend their ways. After three-four years, the petitioner's elder brother expired in November 2021. Thereafter, the deceased was pressurized by the petitioner and his family members to accept that her elder sister-in-law be married to the petitioner. Later, the petitioner and his family

members gave beatings to the deceased on petty matters. Three-four days back she had called up her mother and was told about the beatings. On 20.11.2022, someone from the village informed that the complainant's sister is dead. None of the family members of the petitioner told them about the death.

3. Learned counsel for the petitioner contends that the petitioner's marriage with the deceased was six years old and three children were born out of the wedlock also. No material has come on record to establish commission of the alleged offence by the petitioner. The allegations of beatings and harassment have been levelled against the petitioner as well as his family members, but all of them were found innocent by the Investigating Agency and were not charge-sheeted. It is further submitted that investigation of the case is already over and the petitioner is in custody.

4. Learned State counsel, on instructions from PSI Davinder , submits that charges against the petitioner have already been framed, and the prosecution witnesses including the complainant will soon be examined. It is, however, not disputed that the petitioner is the sole accused and the other family members were found innocent during investigation, as also the fact that no injury marks were found on the person of the deceased in the post mortem report, nor was there any other complaint against the petitioner or the family members prior to lodging of the FIR in question. The petitioner is in custody since 21.11.2022, and no other case is pending against him.

5. The submissions made by learned counsel for the parties have been considered.

6. Investigation of the case is already over and the petitioner's custody is not required for effecting any recovery. Trial will take some time

to conclude as none of the prosecution witnesses has been examined so far.
The petitioner does not have any criminal antecedents. Therefore, no useful purpose will be served by confining him to custody any longer.

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

(Tribhuvan Dahiya)
Judge

May 25, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>