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2023 : PHHC : 147645

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19190-2023

Date of Decision: 21.11.2023

RAJBIR @ RAJU

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Harsh Chopra, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 308 dated 10.07.2022 under Sections 306, 34 IPC, registered at Police Station City Tohana, District Fatehabad, Haryana.

2. Briefly, the FIR has been registered on the allegations that the marriage of the deceased was solemnized with the petitioner on 04.09.2016 and a daughter has been born from the wedlock. The FIR has been registered at the instance of the brother of the deceased alleging that the petitioner and her mother had been taunting the deceased on petty issues. The petitioner had been consuming alcohol and his mother has been supporting him. The deceased was also being taunted on the score that she has not been blessed with a son. On 10.07.2022, the deceased had committed suicide by hanging.

3. Learned counsel for the petitioner contends that the deceased had not recorded any suicide note and even no complaint was submitted

either by the deceased or any member of her parental family against the petitioner during her lifetime. The deceased was running pregnancy and missed abortion took place on 01.05.2022 which is made out from the medical record, Annexure P-2. The deceased went under depression on account of abortion and committed suicide. The petitioner is having a daughter, aged about six years, who is presently being looked after by his mother. There is no allegation with regard to any demand of dowry or harassment meted out to the deceased on that score. The petitioner is in custody for a period of 1 year, 3 months and 19 days and not involved in any other case. The investigation of the case qua the petitioner is complete and the challan has also been presented in the Court.

4. Learned State counsel has opposed the bail application on the score that the charge in the instant case is yet to be framed.

5. Learned counsel for the complainant has opposed the bail application on the score that the deceased was given beatings before the occurrence as an abrasion was found on the spine. However, it has been submitted that as per the post-mortem report, the cause of death has been opined to be asphyxia due to hanging and the final opinion was to be given on the receipt of report of chemical examiner.

6. Learned State counsel submits that as per the report of FSL, no poisonous substance has been detected in the viscera.

7. It is significant to note that the petitioner is in custody for a period of 1 year, 3 months and 19 days and not involved in any other case. There are general and vague allegations to the effect that the petitioner and his mother had been harassing the deceased on petty issues and the deceased was being harassed as she was not blessed with a son. The abortion took

place about two months prior to the occurrence. The deceased had not recorded any suicide note. The investigation of the case is complete and the challan has been presented in the Court and conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

8. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

9. The petition is allowed.

21.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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