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2023:PHHC:104684

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22516-2023

DECIDED ON: 11.08.2023

ANKUR SINGLA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sangi, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-27319-2023

This is an application under Section 482 Cr.P.C., for permission to place on record disclosure statement of petitioner, as recorded by the police during investigation as Annexure P-14.

Application is allowed as prayed for.

Annexure P-14 is taken on record subject to all just exceptions.

CRM-M-22516-2023

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail in FIR No.259 dated 10.10.2021, under Sections 306, 34 of IPC, registered at Police Station City Nuh, District Nuh, Haryana.

2. Learned counsel for the petitioner contends that the allegation against the present petitioner is causing domestic violence, harassment as well as torture on account of less dowry given by the deceased. Being under that pressure, the deceased namely Raj Kumar committed suicide on 10.10.2021 at around 10.30

A.M., by consuming poison and left behind suicide note.

3. A bare perusal of the FIR as well as suicide note and subsequently a disclosure statement placed before this Court dated 17.04.2022 prima facie do not make out a case for abetment to suicide and for nominating the petitioner as an accused in the instant FIR.

4. Learned counsel for the petitioner has drawn attention of this Court to certain documents produced today in Court i.e., an order dated 06.06.2023, which shows that compromise between the parties has been effected and domestic violence complaint bearing No.49 of 2021 stands withdrawn. Subsequently vide order dated 11.07.2023, the petition under Section 125 of Cr.P.C., also stands withdrawn and petition under Section 13(b) of Hindu Marriage Act has also been moved for divorce between the parties, wherein first motion statement stands recorded on 27.07.2023 and the same is now fixed for 29.01.2024 for recording of second motion statement.

5. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 3 months and 23 days. As far as several complaint cases are concerned, compromise has been effected between the parties, except FIR No.174 of 2020 registered under Sections 188 and 34 of IPC at Police Station City Sohna, Gurugram, in which he is on bail.

6. In the light of settlement arrived at between the parties to the marriage, as is evident from the order dated 06.06.2023, 11.07.2023 and 27.07.2023 as well as the contents in the disclosure statement dated 17.04.2022, this Court is fully convinced that the matter already stands settled, which was actually the main cause for the registration of the instant FIR roping the petitioner under Section 306 read with 34 of IPC, which do not seems to have been made out and false implication cannot be ruled out, in the light of material placed before this Court.

retained in custody for an indefinite period, wherein strong probability is there for acquittal of the petitioner in the trial. Hence, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.08.2023

(SANDEEP MOUDGIL)
JUDGE

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>