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2023 : PHHC : 091413

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26098-2023

Date of Decision: 20.07.2023

THANA RAM

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. V.S.Brar, Advocate for the petitioner.
Mr. Ram Kumar Singla, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 409 dated 16.09.2022 under Section 306 IPC, registered at Police Station Sadar Dabwali, District Sirsa.

2. Custody certificate has been taken on record.

3. Briefly, the FIR has been registered on the basis of the statement of the mother of the deceased alleging that the marriage of the deceased was solemnized about 11/12 years ago with the petitioner and two children were born from the wedlock. The petitioner had been harassing the deceased under the influence of drugs. On 14.09.2022, the deceased had informed the complainant that the petitioner is harassing and giving beatings to her without any reason. Being fed up, the deceased had committed suicide by jumping into the canal.

4. Learned counsel for the petitioner contends that the deceased was suffering from seizure disorder and moreover, she had not left any suicide note. No complaint has been submitted either by the deceased or any member of her parental family at any Forum during her lifetime attributing any allegation of harrassment against the petitioner. The petitioner is in

custody for a period of more than 10 months and not involved in any other case.

5. Learned State counsel submits that there are categorical allegations against the petitioner levelled by the mother of the deceased and till date no witness has been examined. It has also been submitted that 8 witnesses have been mentioned in the list of witnesses.

6. It is significant to note that the marriage of the deceased was solemnized about 11/12 years prior to the death. There is nothing to indicate that during her life time the deceased or any member of her parental family had submitted any application at any Forum with regard to the maltreatment allegedly meted to the deceased at the hands of the petitioner. The deceased had not recorded any suicide note. The petitioner is in custody for a period of more than 10 months and not involved in any other case. No witness has been examined till date. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. 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.

8. The petition is allowed.

20.07.2023

Janki

Whether speaking/reasoned : Yes/No

(VIVEK PURI)
JUDGE

Whether reportable : Yes/No