

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34195 of 2022(O&M)

Date of decision: 25th January, 2023

Devender

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Aman Pal, Advocate for the petitioner.
Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This is fourth petition seeking regular bail in FIR No. 476 dated 7.12.2020, under Section 306 IPC, registered at Police Station Sadar, Fatehabad.

Earlier three petitions were dismissed as withdrawn with liberty to revive the prayer at later stage.

The brief facts as culled out are that 7.12.2020, a telephonic message was received that Seema (deceased) is admitted in Sukhda Hospital, Hisar as she had consumed poisonous substance. FIR was registered at the instance of Hans Raj father of the deceased. He stated that marriage of the petitioner and the deceased was solemnized thirteen years back. There was domestic dispute and due to harassment, his daughter committed suicide by consuming poisonous substance. The allegations were made against the petitioner and his mother-Ram Piari. During investigation, she was found to be innocent.

Learned counsel for the petitioner submits that the petitioner is in custody since 8.12.2020; there are two children aged eight years and five years who are with the family of the petitioner. The contention is that there

is no dying declaration or suicide note. He further submits that there is no evidence to connect the petitioner with abetment of suicide. The contention is that trial is not progressing not even a single prosecution witness has been examined.

Learned counsel for the State opposes the prayer for grant of bail. He submits that as per allegations of Hans Raj, it was result of matrimonial dispute that the deceased consumed poison. He fairly submits that after framing of charges, the trial has not progressed as application under Section 319 Cr.P.C. was filed by the complainant and the same is pending.

Without commenting on the merits of the case, considering the nature of allegations and that in absence of suicide note or dying declaration, it is a debatable issue whether a case for abetment is made out or not, moreover taking into consideration the custody period and the fact that conclusion of trial is likely to take time and the petitioner has two children to take care of, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main petition has been decided, pending application if any, is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

25th January, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |