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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.42754 of 2023(O&M)

Date of Decision: 17.10.2023

Sandeep

..... Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Vivek Puri, J. (Oral)

1. The petitioner is seeking regular bail in case bearing FIR No. 118 dated 28.04.2023 under Sections 306, 34 of IPC, 1860 (Section 302 IPC deleted later on) registered at Police Station Civil Line, Jind, District Jind. The FIR has been registered on the basis of statement of the brother of the deceased alleging that the marriage of the deceased was solemnized with the petitioner in March, 2006 and two children were born from the wedlock. The elder one is a daughter and a younger son had passed away about six years prior to the occurrence, due to some disease. After the death of the son, the deceased used to remain under depression. She disclosed to the complainant and other parental family members that the petitioner had been saying that the deceased was responsible for the death of his son. He also wanted to have another boy but on account of surgery undergone by the deceased, she could not give birth to a child. The petitioner also contemplated to solemnize second marriage after getting divorce from the deceased and leveled false allegations against her character.

2. Learned counsel for the petitioner further contends that the deceased has died on account of burn injuries on 28.04.2023. He further contends that the death of the son of the petitioner had taken place about six years prior to the occurrence, the deceased had not recorded any suicide note and the matter with regard to maltreatment was never reported at any Forum or even otherwise with her parental family member(s) during her lifetime. The deceased had committed suicide as she used to remain under depression on account of death of her son. The mother of the petitioner has also been arraigned as a co-accused and she has been granted regular bail by the trial Court. The petitioner is in custody for a period of 05 months and 08 days and is not involved in any other case.

3. Learned State counsel has opposed the prayer for grant of bail on the ground that there are certain categoric allegations leveled against the petitioner in the FIR and at the first instance, the FIR was registered under Section 302 IPC but the offence has been altered to Section 306 IPC during the course of investigation. The challan has been presented in the Court but charges are yet to be framed.

4. It is significant to note that the marriage of the deceased took place with the petitioner about 16 years prior to the occurrence and the deceased has not recorded any suicide note. The death of the son of the deceased took place about six years prior to the occurrence. There is nothing on record to indicate that either the deceased or her parental family member reported the matter with regard to maltreatment or harassment meted out to the deceased at any Forum during her lifetime. The investigation of the case is complete and the challan has been presented in the Court. The petitioner is in custody for about 05 months and 08 days and is not involved in any other case. The conclusion of the trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioner in further custody.

5. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observations on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/ Chief Judicial Magistrate/ Duty Magistrate.

17th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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