

228 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-50183-2023

Date of Decision: 16.10.2023

Ramesh Chander

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Rajat Mor, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.171 dated 13.05.2022, registered under Sections 306, 34 of IPC, at Police Station Bawani Khera, District Bhiwani.

2. Status report by way of an affidavit of Assistant Superintendent of Police, Bhiwani has been filed on behalf of the respondent-State in Court today and the same is taken on record.

3. Learned counsel for the petitioner contends that the marriage of daughter of the petitioner was solemnized with Sandeep (since deceased) on 09.07.2015 and two children were born out of the wedlock. The male child is residing with the complainant, whereas the female child, aged one and a half years was residing with the petitioner. Even the daughter of the petitioner was residing with him for the last 8/9 months prior to the occurrence. She had made a complaint to the police authorities against the deceased and he committed suicide by levelling allegations against the mother-in-law and the petitioner.

However, no offence under Section 306 IPC is made out against the present petitioner. Learned counsel further relies upon the order dated 02.06.2023 passed by this Court in CRM-M-23485 of 2023 to contend that Suman Rani wife of the deceased and daughter of the petitioner has already been granted the concession of anticipatory bail by this Court.

3. On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that Suman Rani, wife of the deceased has already been granted the concession of anticipatory bail passed by this Court vide order dated 02.06.2023 in CRM-M-23485 of 2023. Still further, his custodial interrogation may not be required at this stage. Even whether the offence under Section 306 IPC is made out or not, is a subject matter of adjudication before the trial Court.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

16.10.2023

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(N.S.SHEKHAWAT)
JUDGE

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