

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

202

CRM-M-59193 of 2022
Date of decision:19.05.2023

Kuldeep

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Deipa Singh, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

1. This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), seeking grant of regular bail pending trial in case bearing FIR (Annexure P-1):-

FIR No.	Dated	Police Station	Sections
575	29.12.2020	Palam Vihar, District Gurugram	302, 328, 201, 498-A IPC

2. FIR (Annexure P-2) has been registered on the complaint of Subhash on the allegation that his niece Kiran was married to Kuldeep, (present petitioner) and was staying at her matrimonial home at Gurugram. At about 7.00 a.m. in the morning, he received a call from Sumer Singh, father of Kuldeep, that Kiran was not well. Later, Ballu informed that Kiran was murdered a night before. On reaching the hospital, he was told by in-laws of the deceased that she had consumed poison.

3. Counsel for the petitioner has argued that death has taken place due to consumption of poison by the deceased. She has referred to the testimonies of the neighbours PW1 to PW3 to submit that a fight had taken place between the couple a night earlier. Still further, she submits that the deceased's father has not come forward and has not been even named as a witness by the prosecution and the allegations have been levelled against the petitioner on the basis of the complaint submitted by her maternal uncle-complainant, who was not in touch with the deceased after her marriage. By referring to the FSL Report (Annexure P-5), she urges that no incriminating physical evidence was found on inspection of the rented room of the deceased. It is her submission that after withdrawal of the first petition from this Court in May, 2022, doctor has been examined and in her testimony recorded on 24.02.2023 (Annexure P-8), she has categorically stated that death is due to aluminium phosphide poisoning and although deceased has some injuries on the neck, but they are not the cause of death. She submits that as the complainant has been examined and the petitioner, who is in custody since 20.03.2021, deserves to be enlarged on bail.

4. Per contra, State counsel upon instructions from DSP Satya Bhan, has opposed the petition by submitting that there are serious allegations against the petitioner. He submits that the complainant has supported the case of the prosecution, relationship between the couple was estranged and she has done to death by the petitioner. Still further, he submits that mother of the deceased is a material witness, who has yet to step into witness box. As per his instructions, 07 out of total 45 prosecution

witnesses have been examined.

5. I have considered the respective submissions of counsel for the parties.
6. Involvement of the petitioner in the offence would be subject matter of debate, which shall be determined by the Trial Court on the basis of evidence led before it. Petitioner is in custody for the last almost 26 months, would be entitled to be released on bail as the trial is not likely to be concluded in the near future.
7. Without adverting to the merits or demerits of the arguments addressed, petition is allowed and petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 19, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No