



Sr. No.209

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

CRM-M-9992-2024
Date of decision: 29th August 2024

VIKASPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by ASI Rajesh.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No.388 dated 23.07.2023, under Section 306 IPC, 1860, registered at Police Station Kharkhoda, District Sonipat (Annexure P-1).
2. The petitioner is facing allegations that the victim (wife of the petitioner) committed suicide by consuming a poisonous substance and the petitioner has abetted the commission of the suicide as he used to harass the victim and throw her out of the house after drinking alcohol. The victim (daughter of the complainant) was allegedly fed up with the petitioner as a result of which, she consumed a poisonous substance and ended her life.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The statements of material witnesses have already been recorded. There are two minor sons of the petitioner,



who need the assistance of their father (petitioner) for their upbringing. The petitioner is in custody since 02.08.2023. Conclusion of the trial is going to take time.

4. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

5. Learned State counsel has filed custody certificate of the petitioner dated 27.08.2024, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year and 26 days of actual custody.

6. I have heard the learned counsel for the parties and perused the relevant documents.

7. The unfortunate death of the victim took place after about 10 years of the solemnization of the marriage. As per the postmortem examination report (Annexure R-1), there were no external injuries on the body of the deceased.

8. Learned State counsel has filed copy of the order dated 17.08.2024, passed by the Additional Sessions Judge, Fast Track Court, Sonipat, as per which, statements of material witnesses PW-1 Rajbir, PW-2 Rekha and PW-3 Ankush have been recorded.

9. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed. The material witnesses have been examined during the trial. As per the custody certificate, the petitioner is in custody for the last 01 year and 26 days. There is no history of any other case pending against the petitioner. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
11. Pending miscellaneous application(s), if any, shall stand disposed of.

29th August 2024

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(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No