

224CRM-M-31740-2023
Date of decision:21.11.2023

AARTI... PETITIONER
VERSUS
STATE OF HARYANA... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. This is the 4th petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Section
49	15.04.2021	Bapoli, District Panipat	306 of IPC, 1860, however, Section 365, IPC, was deleted later on

2. Version of the prosecution is that FIR has been registered on the complaint of Manjeet Kumar, wherein he has stated that his younger brother-Anil was married to Aarti, present petitioner, about 09 years ago and they have 03 children, aged 08, 06 and 03 years, respectively, from the wedlock. As there was a friction between the couple, panchayat was organized, a compromise took place, but Aarti and her family members continued harassing him. Sahil, a resident of Hari Singh Colony, Panipat, also harassed his brother. At about 10.20 PM on 14.04.2021, Anil left the

matrimonial house on his van alongwith his 03 minor children with intent to commit suicide, however, their whereabouts are not known.

3. Counsel for the petitioner submits that the bodies of Anil and the 03 minor children were recovered from a canal and although the other accused were found to be innocent, on conclusion of investigation, *challan* was presented against the petitioner for offence under Section 306, IPC. Counsel submits that two prosecution witnesses including the complainant, have been examined. In particular, by making a reference to the deposition of the complainant, who was recalled for cross-examination after the dismissal of an application filed by the prosecution under Section 319, Cr.P.C., he urges that he has not supported the case of the prosecution. Counsel submits that the complainant has denied any estrangement between the couple and has even gone to the extent of stating that he does not recognise the handwriting of his brother on the suicide note, which was produced by him. Counsel asserts that the petitioner, who is a young widow of 29 years of age and has lost her immediate family members in the unfortunate incident and is languishing in custody since 27.05.2021, deserves to be enlarged on bail.
4. Per contra, State counsel upon instructions from SI Raj Singh, has opposed the petition. He has made a detailed reference to the reply filed by way of affidavit of DSP, Samalkha, Panipat and submits that in his examination-in-chief recorded on 03.01.2022, the complainant has supported the case of the prosecution. State

- counsel has opposed the petition by submitting that the allegations against the petitioner are serious and grave. As per his instructions, 02 out of 18 prosecution witnesses have been examined. Still further, State counsel submits that FSL report regarding the suicide note is awaited. Custody certificate dated 20.11.2023 has been filed by the State, which is taken on record.
5.

I have heard counsel for the parties and considered their respective submissions.
6.

Petitioner is a young widow, who is in custody for the last almost 30 months. Although, there are serious allegations against her, but the complainant on recall, has taken a somersault. The veracity of the suicide note in the possession of the prosecution is yet to be ascertained. Noticing the role ascribed to the petitioner, length of custody, stage of proceedings, her unblemished past and the tragedy that has befallen her, this Court is of the view that the concession of bail cannot be denied to her.
7.

Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. 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.

21.11.2023

(SUVIR SEHGAL)
JUDGE

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