

**Maninder Singh vs.state**

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**SooperKanoon Citation :** [sooperkanoon.com/1221632](http://sooperkanoon.com/1221632)

**Court :** Delhi

**Decided On :** Feb-21-2019

**Appellant :** Maninder Singh

**Respondent :** State

**Judgement :**

\* + 1. IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: February 21, 2019 BAIL APPLN. 2442/2017 MANINDER SINGH .....Petitioner Through: Mr. Chetan Sharma, Senior Advocate with Mr. R.S.Chaggar and Ms. Sangeeta Singh, Advocates versus STATE .....Respondent Through: Dr. M.P. Singh, Additional Public Prosecutor with Inspector Kanchan Mr. Harpreet Singh Popli, Mr. Mukul Girdhar and Mr. Anuj Yadav, Advocates for respondent No.2 CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

... Petitioner

seeks regular bail in FIR No.184/2016 registered under Section 304B/34 of IPC at Police Station Geeta Colony, Delhi while claiming to be innocent.

2. Learned senior counsel for petitioner submits that Mandeep Kaur had committed suicide as she had a liaison with a boy, who was getting married, and she could not withstand it and had committed suicide. It is further submitted that

there was no demand of dowry and so, no offence BAIL APPLN. 2442/2017 Page 1 of 3 under Section 304-B of IPC or Section 302 of IPC is made out.

3. According to learned senior counsel for petitioner, suicide note recovered from the spot exonerates petitioner and so, petitioner deserves bail as he is already in custody for last two years and seven months and the trial of this case is likely to take time. Reliance is placed by learned senior counsel for petitioner upon a decision of co-ordinate Bench of this Court in Hari Gopal Wadhwa & Anr. vs. State, 2007 [4]. JCC2644 4. Learned Additional Public Prosecutor for respondent-State opposes this application by submitting that the offence committed by petitioner comes within the ambit of Section 302 of IPC. It is submitted that after this incident, petitioner had destroyed the evidence regarding the commission of crime. He relies upon Supreme Courts decision in Kalyan Chandra Sarkar vs. Rajesh Ranjan, 2004 (7) SCC528 to submit that period of incarceration is not a ground to grant bail, as the offence committed by petitioner is heinous one. It is also pointed out that petitioners co-accused have been declared Proclaimed Offender and if petitioner is granted bail, he will also abscond.

5. Upon hearing and on perusal of charge-sheet of this case and the decisions cited, I find that from the dressing table at the spot a diary was recovered, which contained a note purportedly written by deceased. The reference of the said note is in the FIR itself. No doubt, authenticity of the recovered note has to be determined at trial, but it would be relevant to advert to the contents of this note, which are as under: - Meri Kismat Kharab hai jo mujhe aisa parivaar mila hai, mera habby to bahut achcha hai, par iss parivaar me rahne wale baaki log bahut kharab hain. BAIL APPLN. 2442/2017 Page 2 of 3 6. Considering the fact that the aforesaid recovered note gives a clean chit to petitioner and the fact that petitioner is in custody for about two years and seven months and the trial of this case is likely to take time, it is deemed appropriate to direct the trial court to release petitioner on bail subject to his furnishing bail-bond in the sum of `25,000/- with one local surety of the like amount to the satisfaction of the trial court. It is made clear that in case petitioner is found to be misusing the concession of bail in any manner whatsoever, then the respondent-State shall be at liberty to get this order revoked.

7. This application is accordingly disposed of while refraining to comment on merits, lest it may prejudice either side before trial court. (SUNIL GAUR) JUDGE  
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