

(47)

4

\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 2659/2014

GEETA & ANR

Through

Mr.R.N.Kush, Adv.

..... Petitioners

versus

STATE

Through

Mr.Ravi Nayak, APP for the State

..... Respondent

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

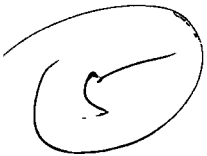
ORDER

%

27.02.2015

The present petition has been filed by the petitioners under Section 439 Cr.P.C. for grant of bail in case FIR No.444/2012 dated 7th October, 2012, under Sections 306/201/34 IPC, registered at PS Sultanpuri, Delhi.

Brief facts of the case are that on 19th June, 2012 at about 11.05 a.m., a PCR call regarding suicide at F-1/31, Sultan Puri, Delhi was received at PS Sultan Puri, Delhi vide DD No.19A dated 19th June, 2012 and the same was marked to SI Kulbir Singh for enquiry and necessary action. On receipt of the PCR call, SI Kulbir Singh reached at the spot where the dead body of Sh.Gulab Singh son of Late Sh.Srichand, resident of House No.19, East Friends Enclave, Sultan Puri, Delhi, aged 32 years, was found to be lying on the bed in a room situated at the ground floor with ligature mark on the neck. The wife of the deceased, Smt.Nisha was present at the spot. SI Kulbir Singh recorded her statement and seized piece of red colour *chunni*



and a scissor from the spot. One pocket diary containing handwriting of the deceased as identified by his wife was also seized by the SI from the spot. On that recovery, a proceeding under Section 174 Cr.P.C. was initiated and the post-mortem was got conducted. The post-mortem report was obtained wherein the autopsy surgeon opined that the death was due to asphyxia as a result of hanging.

Sh.Satbir Singh son of Sh.Srichand, resident of Village Garhi Bala, P.O. Bindhroli, District Sonapat, Haryana, the brother of the deceased filed a complaint case under Section 156(3) Cr.P.C. before the Court for registration of the case. In compliance of the order dated 29th September, 2012 passed by the Court, the aforesaid FIR was registered and investigation was taken up. During the course of the investigation, the subsequent opinion with regard to suicidal hanging or homicidal hanging was obtained. The doctor has opined that based on the post-mortem finding, the cause of death is asphyxia as a result of ante-mortem hanging which is suicidal in nature.

After completion of the investigation, the charge-sheet was filed against the petitioners. The charges were also framed for the offences punishable under Sections 306/201/34 IPC. The case is pending for trial. 10 witnesses out of total 34 witnesses have been examined. The next date of hearing before the learned Trial Court is fixed on 13th April, 2015. The petitioners are in custody since 29th July, 2013, i.e. for the last 1½ years, in the aforesaid FIR.

Learned counsel for the petitioners states that the petitioners are wrongly implicated in the matter. Merely saying to the deceased that *he may die today instead of tomorrow*, is not an instigation and there was no

6

motive alleged against the petitioners. After the incident, the ambulance was called by the petitioners and merely because the dead body was put on the ground by cutting the ligature, the same would not attract Section 201 IPC. Counsel further submits that since the trial is likely to take some more time and the petitioners have already spent more than 1½ years in custody.

The status report has been filed by the State. The nominal record has also been filed. The petitioners were arrested in the above said FIR on 29th July, 2013 and since then, they are in judicial custody. The earlier bail application filed by the petitioners was dismissed by the Addl. Sessions Judge, Rohini, Delhi, by order dated 26th July, 2014.

Having heard the learned counsel for the petitioners and the learned APP for the State, under these circumstances, without deciding anything on merits of the case, it is directed that the petitioners shall be released on bail subject to their furnishing personal bonds in the sum of Rs.25,000/- each with one surety each of the like amount to the satisfaction of the learned Trial Court and further subject to the following conditions:-

- (i) that the petitioners will furnish to the learned Trial Court their current address(es) and contact numbers and will not shift from the said address(es) or change the contact numbers without prior permission of the learned Trial Court;
- (ii) the petitioners will appear on each and every date before the learned Trial Court;
- (iii) the petitioners will not interfere with the fair progress of the trial and will also not approach the witnesses.

In case of violation of any of the conditions above, it will be open to the State to apply for cancellation of the bail.

7

The petition is accordingly disposed of.

FEBRUARY 27, 2015/ka


MANMOHAN SINGH, J.