

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

Criminal Misc. No.M- 15185 of 2017(O&M)

Date of Decision: May 8 , 2017.

Sandeep @ Kalu PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. V.K.Gupta, Advocate for
Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.33 dated 24.01.2017 under Sections 354B/306 IPC registered at Police Station Butana, District Karnal.

It is submitted that the petitioner has been falsely implicated in this case only because of his alleged relationship with the sister of the deceased. As per the allegations in the FIR, the complainant was at his work in the village at about 2.00 p.m. on 24.01.2017 when he received a telephonic call from his nephew Vijay, asking him to return home. When he returned home, he was told by his wife and son (deceased) that the petitioner yet again teased his daughter. The petitioner tried to take her from the street forcibly by holding her arm, up the stairs of the house of Pirthi son of Mola Ram with an intention to do a

wrongful act. The complainant's daughter raised a hue and cry upon which the petitioner fled from the spot. This fact was verified by the complainant's daughter. The complainant, his wife and son (deceased) as well as a cousin, namely, Karambir proceeded to the petitioner's residence to lodge a protest. The ladies in the house belligerently told them that they could do whatever they wanted on which they returned home. Due to repeated harassment of the complainant's daughter, the complainant's son left their house without informing them while they were still conferring about the matter amongst themselves. In the meantime, it was informed by one Shamsheer Singh that a boy had hanged himself at the Shekhpura Bangar siphon. It was discovered that the complainant's son had hanged himself being fed up with the repeated harassment of the complainant's daughter at the hands of the petitioner.

Learned counsel for the petitioner refers to the statement of the complainant's daughter recorded under Section 164 Cr.P.C on 26.01.2017. The relevant portion of the said statement reads as under:-

“A. It is a matter of day before yesterday when I was going to a shop then Sandeep was standing at the stair in the street. He caught hold my arm and when he took me to the stairs then I make a noise and I also received injury on the head. I told this all to my mother and brother after coming to our house. My brother had also went to kill him but Sandeep had ran away and my brother could not found him there. My brother had committed suicide because he had been told by someone that I am having illicit relation with Sandeep.”

It is submitted that in this situation, no case is made out against the petitioner who is not involved in any other case. Therefore, this petition be

allowed.

Learned counsel for the State, on instructions from ASI Prem Singh, has opposed this petition while submitting that there is a specific allegations against the petitioner that he was harassing the complainant's daughter due to which his son committed suicide. The statement of the complainant's daughter under Section 164 Cr.P.C. (Annexure P2) is not denied. It is verified that charge against the petitioner has been framed. The petitioner is aged about 25 years. It is not denied that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Sandeep @ Kalu is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 8, 2017.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No