

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

Criminal Misc. No.M- 38045 of 2016(O&M)

Date of Decision: April 19 , 2017.

Deepak Chauhan PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. S.K.Khurcha, Advocate
for the complainant – Uma Shanker.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.56 dated 09.09.2016 under Sections 306/506/34 IPC, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station GRP, Chandigarh.

As per the averments in the FIR, the complainant's daughter was enticed by the co-accused Kuldeep Chauhan (younger brother of the petitioner)

for the purpose of an outing on 08.09.2016. The complainant's daughter was later found dead on the railway track. It is further averred that the present petitioner had threatened the complainant on an earlier occasion that the deceased and his brother should be separated or he would kill them. The complainant was informed by a resident of his colony on 09.09.2016 at about 10.00 a.m. that his daughter's dead body was lying behind plot No.71 and the police had taken the dead body to the General Hospital, Panchkula. It is stated by the complainant that his daughter has been killed by Kuldeep Chauhan, his friend and elder brother. Information had been received by the police from the railway authorities about a dead body lying along the railway track in the bushes. Action was taken thereafter. The dead body was identified to be that of the complainant's daughter.

Learned counsel for the petitioner contends that the allegations in the FIR, even if taken to be true, are primarily against the co-accused Kuldeep Chauhan, who is the younger brother of the petitioner. It is submitted that in fact the deceased and the petitioner's younger brother were friendly with each other but this was not to the liking of the deceased's mother. Reference is made to a note allegedly written by the deceased expressing her feelings for the co-accused Kuldeep and raising allegations against her own mother. Co-accused Kuldeep Chauhan is in custody. It is thus prayed that this petition be allowed.

Learned counsel appearing on behalf of the complainant has not opposed this bail application while submitting that the complainant has no objection in case this petition is allowed.

Learned counsel for the State while opposing this petition submits

that the veracity of the note (Annexure P3) allegedly written by the deceased is yet to be tested. The said note has been sent for forensic examination. The report from the Forensic Science Laboratory has not been received so far.

It is not denied that as per the post-mortem report, the cause of death of the complainant's daughter is a railway accident. Challan/final report under Section 173 Cr.P.C. has since been presented. The charge has not been framed yet as the report of the forensic examination of the note allegedly written by the deceased is still awaited. Trial in this case is not likely to conclude in the near future. Petitioner is not involved in any other case.

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 Deepak Chauhan is allowed. The petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds 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.

(LISA GILL)
JUDGE

April 19 , 2017.
'om'

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No