

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

**CRM-M No.38254 of 2016
Decided on: 05.05.2017**

Yaad Ram

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Manjit Singh, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.

The petitioner prays for grant of regular bail in FIR No.231 dated 14.07.2016 for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Pinjore, District Panchkula.

Counsel for the petitioner has submitted that the deceased Anuradha @ Anu Thakur came in contact with the petitioner when she was a student of class 12th and later there was a casual friendship between them. In April 2012, the deceased expressed her willingness to perform marriage with the petitioner but family of the deceased did not accept the proposal as the petitioner was an auto-rickshaw driver. She jumped from the house, received multiple injuries and was treated at Civil Hospital for a period of 10 days. On 24.05.2016, a meeting of respectables of the area was convened at the Temple in village Ganeshpur Bhoria, attended by persons referred to in para 8 of the petition and it was agreed that marriage of the deceased will be

solemnized with the petitioner between 09.07.2016 to 19.07.2016. Surjit, uncle of the deceased came and joined hands with Jagat Ram grandfather of the deceased to state that they would prefer to kill the girl rather to solemnize her marriage with the petitioner being an auto-rickshaw driver. It is vehemently argued that the present appears to be a case of honour killing but in order to save himself and his family, father of the deceased lodged a false FIR against the petitioner.

To substantiate his contention, counsel has invited attention of the Court towards post-mortem report wherein an injury i.e. bluish contusion with underlying swelling of about 2.5 cms x 3.8 cms over right side of forehead has been noticed and remarks that blood infiltrated in underlying subcutaneous tissue on the scalp have been recorded. Another submission made by counsel is that in the FIR, besides the petitioner, Mahipal, Chuhad Singh his father, Usha Devi his wife and Sangeeta his sister were also indicted in the crime but in supplementary statement recorded by the complainant on 21.08.2016 wherein reference has been made to a suicide note purportedly left behind by the deceased, Mahipal and others were exonerated. The last submission made by counsel is that on completion of investigation, challan has been presented in the Court and conclusion of the trial is likely to take its own time. The petitioner is ready to face proceedings, in accordance with law.

Counsel for the State of Haryana, on the contrary, has strongly opposed the prayer for bail with the submissions that the deceased left behind a suicide note running into several pages scribed by her in her own handwriting with her signatures levelling serious

allegations against the petitioner for compelling her to terminate her life at a young age, therefore, the petitioner does not deserve to be enlarged on bail. It is further submitted that the suicide note has been sent to Forensic Science Laboratory for analysis and the report is awaited but as counsel for the petitioner agreed that he would not challenge contents of the suicide note at this stage, suicide note itself is sufficient to prove culpability of the petitioner.

I have heard counsel for the parties, perused the paperbook and the police records.

At the outset, it is pertinent to mention that counsel for the petitioner made a submission that the suicide note may be taken into consideration for disposal of bail application though report from the FSL is awaited. Perusal of the suicide note would indicate that the deceased has expressed her deep anguish against the petitioner for defaming and driving her to lose any desire to live any more. It is mentioned that Bachi is a very bad person. He is mean. Instead of leading a life with him, it would be better to die. He entangled her in his sweet talks but had been defaming her which she could not understand. She has developed hatred for him. At the same time, she has expressed love for her family by saying that her father put a lot of efforts for bringing them up but she could not appreciate his hard work. She loves her family and her family was very good. She has made an appeal that Bachi along with Mahipal and his family has ruined her life and in case something happened to her, those five persons should be sent to police custody.

Taking into account grave attributions against the

petitioner, he does not deserve to be enlarged on bail.

Dismissed.

However, nothing stated hereinbefore shall be construed as an expression of opinion on merits. The trial Court shall put its best efforts to conclude the prosecution evidence expeditiously.

05.05.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No