

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

CRM No.M-947 of 2017 (O&M)

Decided on: 22.02.2017

Ravi

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Rakesh Dhiman, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.

CRM No.5598 of 2017

Heard.

Allowed as prayed for.

Annexure P3 is taken on record.

Disposed of accordingly.

CRM No.M-947 of 2017 (O&M)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.166 dated 27.09.2016, registered at Police Station Line Paar, Bahadurgarh, District Jhajjar, for offence punishable under Sections 302, 201, 498-A, 120-B, 506 read with Section 34 of the Indian Penal Code (in short 'IPC').

Counsel for the petitioner has submitted that the present FIR with regard to unfortunate death of Disha on 26.09.2016 is the result of marital disharmony between the petitioner and his wife Monika. It is further submitted that as per allegations raised in the FIR,

mother-in-law of the complainant took Disha from her and asked her to do work. She came out of the room and started brooming. She heard the cries of Disha and rushed to the room and noticed that Disha was crying while lying on the floor. She tried to pick up the child but her mother-in-law pushed her and picked up Disha. Her husband caught hold of her and the mother-in-law killed her daughter by strangulation. Her mother-in-law, her husband and father-in-law hatched a conspiracy to kill Disha and they did not pay any heed to request of the complainant for taking the child to the hospital but eventually, she brought the child to Shiv Hospital where the child was declared brought dead. It is further argued that story propounded by the complainant that the child was strangled by the mother-in-law gets falsified and belied from report (Annexure P3) in regard to post-mortem examination of the child in PTBD Sharma Post Graduate Institute of Medical Sciences, PGIMS, Rohtak. It is further submitted that as per the said report, there was no ligature mark on the body and the child suffered contusion of 5 x 3 cm over the left temporo parietal region of the scalp and as per the opinion regarding death, the head injury and its complications proved fatal. In addition, it has been argued that father of the complainant was present at the time of last rites of the child sufficient to falsify the story brought-forth by the complainant, the day after the occurrence in question.

Counsel for the State has opposed the prayer for bail with the submission that keeping in view gravity of allegations, the petitioner is not entitled to bail.

I have heard counsel for the parties, perused the paperbook

and the records.

Perusal of the allegations brought-forth in the FIR would evident that no role has been attributed to the petitioner either with regard to causing any injury to the child much less causing her death in any manner whatever. Plea of the complainant that the child was strangled by the mother-in-law does not get substantiated from the medical evidence. The petitioner has already been remanded to judicial custody and no longer required for the purpose of investigation. There is no allegation against the petitioner that he is likely to flee from process of justice in case, enlarged on bail.

Without commenting upon merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous permission of the Court.*

22.02.2017

yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No