

CRM-M No.11430 of 2018
CRM-M No.11561 of 2018

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

CRM-M No.11430 of 2018
Date of Decision: 23.03.2018

Hans Raj

.....Petitioner

Vs

State of Haryana

.....Respondent

CRM-M No.11561 of 2018

Hitesh

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. K.L. Dhingra, Advocate
for the petitioner (in CRM-M-11430-2018).

Mr. S.K. Tripathi, Advocate
for the petitioner (in CRM-M-11561-2018).

Mr. M.D. Sharma, A.A.G., Haryana
(in CRM-M-11561-2018).

Mr. Sanjay Kumar Saini, A.A.G., Haryana
(in CRM-M-11430-2018).

RAJ MOHAN SINGH, J.(Oral)

1. Vide this common order, CRM-M No.11430 of 2018
titled 'Hans Raj vs State of Haryana' and CRM-M No.11561 of
2018 titled 'Hitesh vs State of Haryana' are being decided.

2. Common facts are being noticed from both the petitions.

3. Petitioner(s) seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.1019 dated 08.11.2016, registered under Sections 306, 506 and 34 IPC at Police Station Jhajjar, District Jhajjar.

4. FIR was registered on the complaint of Ram Niwas who has alleged that his elder son Parveen was married to Sonam in the year 2015. His son remained tense as he was teased by the family member of his wife. Father-in-law of son of complainant and Gulab Singh had raised demand of Rs.5 lac which was paid by the complainant to Gulab Singh for construction of his house and running a tent house. When his son raised a demand for return of the amount, the family members of his wife started harassing the son of the complainant. The son of the complainant wrote a suicide note, mentioning names of Hans Raj, Gulab, Hitesh, Sangita, Sonam, Anita and wife of Hans Raj who were instrumental in harassing him. After suicide of son of the complainant, a case under Section 306, 506, 34 IPC came to be recorded.

5. Learned counsel for the petitioner(s) submitted that there was no concerted effort on behalf of the petitioner(s) for commission of offence under Section 306 IPC. Mere allegations

of harassment will not satisfy the ingredients of offence under Section 306 IPC which are stringent in terms of requirement.

6. By referring to order dated 13.12.2017 passed in CRM-M No.30285 of 2017 titled 'Ram Niwas vs State of Haryana', learned counsel submitted that family members of the deceased have availed the benefit of insurance from Punjab Alliance Life Insurance Company on the ground that death of Parveen was natural. An amount of Rs.5 lac was received against policy No.0330758570 and the said amount has been deposited in the name of mother of the deceased being nominee.

7. The aforesaid fact has not been denied by learned State counsel on instructions from ASI Pawan Kumar.

8. Learned counsel for the petitioner(s) further submitted that the deceased at one point of time filed a petition under Section 9 of the Hindu Marriage Act which was ultimately got dismissed as withdrawn on 12.11.2017 in the Lok Adalat.

9. Perusal of the aforesaid petition would show that the deceased did not mention any incriminating fact in the said petition.

10. Petitioner(s) is in custody since 11.11.2017.

11. Challan has already been presented and charges have been framed.

12. In view of above, petition is allowed. Petitioner(s) is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

13. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

23.03.2018
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No