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

CRM-M No.39741 of 2017

Date of Decision: 12.02.2018

Baldev Raj and another

.....Petitioners

Vs

State of Punjab

.....Respondent

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

Present: Mr. Nand Lal Sammi, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.32 dated 21.02.2017 registered under Sections 302/201/120-B IPC at Police Station Rajpura City, Patiala.

Daughter of the complainant went missing on 18.02.2017. FIR was registered by him i.e. Raj Kumar with the allegations that Visha Rani was married to Vijay Kumar son of Baldev Raj. Allegations were made that the husband, parents-in-law (petitioners), Devar and Nanand used to harass the daughter of the complainant. Later on, the couple started living

together and a writing was executed on 20.10.2016. Further allegations were made that even thereafter, daughter of the complainant was harassed. On 18.02.2017, sister-in-law of the complainant i.e. Wife's sister (saali) namely Chaderkanta told the complainant that in the morning, she had received the telephonic call from Visha Rani that her husband had beaten her. After some time, Vijay Kumar came to the house of elder brother of the complainant i.e. Nawal Ahuja and enquired about visit of Visha Rani. Complainant came to know about missing of Visha Rani at that time and thereafter, he started searching her. Complainant gave information to the police on 20.02.2017 and showed his suspicion qua his son-in-law and his family. On 21.02.2017, when the complainant and his son Rohit Kumar were searching Visha Rani, then they met Vijay Kumar in the market who told them that Visha Rani went missing on 18.02.2017 in the morning after quarreling with him. During course of search, younger brother of the complainant namely Dharampal met him and told him that on 18.02.2017 in the morning, he saw Vijay Kumar and Visha Rani going on a scooter towards Patiala. When they were stopped, then Visha Rani told him that they were going to take blessings of Peer.

Learned counsel for the petitioners submitted that petitioners are old persons and have not been assigned any

specific role in the FIR. Prosecution has filed the challan only on the ground that they being parents of the husband are allegedly involved in conspiracy. Even charges have been framed.

Learned State Counsel on instructions from HC Binder Singh submitted that police has recorded confessional statement of Vijay Kumar to the effect that he pushed Visha Rani in the Canal. The statements of the complainant, Chanderkanta and Dharampal are the incriminating material to allege involvement of the petitioners in this case.

At this stage, *prima facie* it appears that no specific allegations have been made against the petitioners in the context of causing harassment to the deceased in respect of time, place and manner of harassment met it to the deceased. Even after making allegations of harassment and beatings at the instance of the family members, couple started living together and a writing was executed on 20.10.2016. Complainant came to know about missing of his daughter on 18.02.2017 itself, still FIR came to be registered on 20.02.2017.

It appears that after filing of the challan and framing of charges, prosecution evidence has not yet started. Petitioners are in custody since 21.02.2017.

At this stage, without meaning anything on the merits of

the case, I deem it appropriate to enlarge the petitioners on regular bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

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

February 12, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No