

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

Criminal Misc. No.M- 454 of 2018(O&M)

Date of Decision: March 07 , 2018.

Manjeet PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Arora, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Rakesh Kumar Sharma, Advocate
for the complainant.

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.152 dated 21.07.2017 under Sections 306/34/506 IPC, registered at Police Station Rojkameo, District Nuh.

This is the petitioner's second application for bail. His earlier bail application was dismissed as withdrawn on 20.12.2017 as the final report under Section 173 Cr.P.C. had been presented during the pendency of the said petition on 13.12.2017 and the petitioner withdrew the same with liberty to approach the

learned trial court in view of the changed circumstances. Thereafter, the petitioner's application for bail pending trial has been dismissed by the learned trial court on 03.01.2018.

Learned counsel for the petitioner argues that the petitioner aged about 24 years has been falsely implicated in this case. He is serving the Indian Army. The father of the deceased at the outset on 11.05.2017 specifically stated that his daughter aged about 17 years, studying in Class 12, was unwell for a number of days and was thus staying at home. It was stated that on 10.05.2017 at about 9.00 p.m., his daughter (the deceased) and son were cleaning the tank to put wheat grain. It is further stated that his daughter (the deceased) consumed Sulphas tablet placed there mistaking it to be a Digene tablet (antacid) and took some water. When they realised that his daughter had consumed the Sulphas tablet by mistake, she was taken to Om Hospital at Palwal but she died during treatment. It is stated that none is responsible for her death and he did not wish to take any action in this regard against any person.

It is thereafter that an application dated 21.07.2017 was moved by the complainant i.e., mother of the deceased after two months and ten days to the effect that her daughter aged 17-1/2 years was harassed by the present petitioner who had threatened to kill her and her family. The mother of the deceased had objected to this, but the petitioner had retorted by saying that he would continue with his behaviour. It is alleged that the complainant revealed these facts to her mother-in-law, who in turn advised her not to reveal these facts to the complainant's husband and brother-in-law as the petitioner and his family are influential people. The petitioner and his family, it is stated, were living in the

neighbourhood itself. Mother of the petitioner was apprised of these facts. It is further alleged that the photographs of the deceased were taken by the petitioner and on this count, the petitioner had been compelling the deceased to talk him on telephone. It is further alleged that the deceased stated to the complainant i.e. her mother that the petitioner used to call her on telephone and had been mentally torturing her. Despite protest, the petitioner did not mend his ways and the complainant's daughter was disturbed by his activities hence, she committed suicide by consuming Sulphas on 10.05.2017. It is explained by the complainant that she did not immediately reveal these facts to her husband as she feared a dispute between the parties. On these allegations, the present FIR was lodged.

Learned counsel for the petitioner vehemently argues that the present appears to be a case of honour killing, whereby parents of the deceased were not in favour of the friendly relations between the petitioner and the deceased. Thus they did their daughter to death. It is further submitted that it is opposed to all logic that in case the mother of the deceased was having knowledge of the matter since 6-7 months prior to the unfortunate incident, it never came to the knowledge of the father of the deceased, who specifically stated on 11.05.2017 that none was responsible for the death of his daughter. Moreover, the call detail record available on record reflect that the last call exchanged between the petitioner and the deceased was on 04.05.2017. The said record reveals that the deceased had called the petitioner on numerous occasions. The petitioner's father, it is submitted, moved various representations for a fair investigation into the matter, but no heed was paid thereto. Learned counsel for the petitioner urges that it is debatable whether the allegations against the

petitioner constitute an offence punishable under Section 306 IPC. Examination-in-chief of the complainant has been conducted, however cross-examination was deferred as an application under Section 319 Cr.P.C. for summoning the parents of the petitioner has been moved and the same is pending. It is thus submitted that trial in this case is not likely to conclude in the near future. The petitioner, it is claimed, is not involved in any other criminal case and he undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while submitting that delay in lodging of the FIR by itself cannot be fatal to the prosecution case. The same has been clearly explained.

Learned counsel for the State, on instructions from ASI Ravinder, verifies that examination-in-chief of the complainant has been conducted and application under Section 319 Cr.P.C. moved by the prosecution for summoning of the parents of the petitioner is pending. It is further verified on instructions that the last call exchanged between the petitioner and the deceased was on 04.05.2017. The call details available with the police file reveal that the deceased and the petitioner had been in touch with each other. There is no denial of the statement made by the father of the deceased on 11.05.2017 whereby no suspicion was raised, though it is sought to be explained that he was not aware of the facts.

The petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. 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 before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

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.

March 07 , 2018.
'om'

(LISA GILL)
JUDGE

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