

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

CRM-M No.46584 of 2018 (O&M)

Decided on: 29.10.2018

Sudarshan Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Amandeep Kaur, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.219 dated 05.09.2016, for offence punishable under Section 306 of the Indian Penal Code (in short 'IPC'), registered at Police Station Chandi Mandir, District Panchkula.

Counsel for the petitioner has submitted that on 16.10.2018, while granting regular bail to the co-accused of the petitioner namely Priyanka Thakur wife of deceased Rohit Rana, in CRM-M No.45071 of 2018, the following order was passed by this Court:-

“....Learned counsel for the petitioner submits that the marriage of the petitioner was performed on 05.02.2016 with Rohit Rana (since deceased), who committed suicide on 04.09.2016.

Learned counsel for the petitioner further submits that subsequent to the death of husband of the petitioner, a

male child was born on 03.11.2016 and he was living with the petitioner and since there is no one in the family of the petitioner, even the minor child is with the petitioner who is in judicial custody. Learned counsel for the petitioner has referred to suicide note which reads as under:

“I, Rohit Rana having been harassed by my in-laws have been taking this extreme step, my mother-in law, her brother-in-law (Devar), jeth and her brother having been blackmailing me continuously that I by leaving my parents should live in my-laws; and should not give maintenance to my parents, rather I should give my full salary to my mother-in-law; in case, I do not do so, then they would level allegations against me of dowry, assault and theft. I can neither leave my parents nor I could let them land in trouble due to myself. My mother-in-law while flaunting her political access threatens me persistently. According to them Dr. Daljit Singh Cheema, Chandumajra and Madam Kang are with them; who would help them in putting me behind the bars, in case, I do not leave my parents. As such, I in order to save my parents, have been taking this step. The evidence regarding this fact is in the recordings of my phone. I want that neither my wife nor any relative of in-laws be shown my face after my death.”

Learned counsel for the petitioner further submitted that after the death of the husband of the petitioner, since the petitioner has started claiming her share and lodged claim with regard to pensionary benefits, the complainant/father-in-law of the petitioner filed CRM-M-17381-2017 praying for issuance of directions to the official respondents for proper investigation in the present FIR. It is further submitted that during the pendency of the aforesaid petition, the petitioner, her mother and two of

petitioner's paternal uncles were arrested and thereafter the aforesaid petition was rendered infructuous, vide order dated 03.10.2018.

Learned counsel for the petitioner further submitted that the petitioner had claimed pensionary benefits and the Army authorities, after conducting the necessary inquiry, have decided to grant pensionary benefits to the petitioner and her minor son.

In reply, learned State counsel, on instructions from SI Jai Singh, has referred to information, received from the Army authorities, to submit that even an inquiry was conducted by them that the deceased was not suffering from any depression and he was hale and healthy.

Learned State, on instructions, further submitted that it has been decided by the Army authorities that 35% of the pensionary benefits would be paid to the parents of the deceased and 65% to the petitioner and her minor son.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioner is in judicial custody since 12.09.2018 and the minor son is also with her in custody and also in view of the fact that arrest of the petitioner was effected after a period of two years from the date of registration of the FIR in question, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned....”

Counsel for the petitioner has further submitted that the petitioner is the paternal uncle of the co-accused Priyanka Thakur and he is in custody since 12.09.2018 and there are no direct allegations against the petitioner and conclusion of the trial will take some time.

Counsel for the State, on instructions from ASI Zile Singh,

has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; the petitioner is in custody since 12.09.2018 and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds, to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.10.2018

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No