

222.

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

CRM-M-4052-2019

Date of decision: 22.08.2019

ROOP SINGH @ RUPLA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manish Soni, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.773 dated 29.12.2017 registered under Sections 376D/306/506/34 of IPC at Police Station Sadar, District Bhiwani.

The aforesaid FIR was registered at the behest of Ajay who is father of Poonam, the deceased. As per FIR, the deceased, who was married with Ram Dhan, had swallowed celphos tablet and has died. On 28.12.2017 at about 8.00 AM, the complainant received a call from his deceased daughter wherein she informed that she has swallowed celphos tablet and the complainant has to take care of her children. She further stated that she has consumed poison as Roop Singh @ Rupla son of Ran Singh (petitioner herein) and Kala @ Haripal son of Laxman Singh have done bad act with her. The other co-accused, namely, Laxman Singh, Pushpa and Neetu had

given threats of life. The accused petitioner and co-accused Kala had committed rape with her whenever she was found alone in the house.

Counsel for the petitioner has argued that in the aforesaid FIR, investigation was conducted and all the accused except the petitioner were found innocent. Thereafter, the complainant, while appearing as PW7, has made a statement that the other accused were also involved in the crime. Accordingly, the prosecution moved an application under Section 319 Cr.P.C. The said application was dismissed. Though there were allegations against the co-accused Kala, but the said application filed under Section 319 Cr.P.C. was dismissed qua him as well. He states that the petitioner is in custody since 04.06.2018 and there is no medical evidence to establish that the rape was ever committed upon the deceased. He further states that the alleged suicide note has never been proved during the trial as the same has not been compared with the admitted handwriting of the deceased. As against 18 witnesses cited by the prosecution, only 7 witnesses have been examined in the case and in this manner, trial will take sufficient long time.

Learned State counsel does not dispute the custody and the fact that as against 18 witnesses cited by the prosecution, 7 witnesses have been examined and the case is now fixed for further evidence on 07.09.2019. She is fair enough to state that though as per the complainant, the deceased had left a suicide note, but the same could not be compared with the admitted handwriting signatures of the deceased. To support this argument, she has referred to Annexure P-2 annexed with the petition wherein the statement of Ram Dhan was recorded that his wife has committed suicide and the handwriting of his wife is not available either in Hindi or English of present

not been proved in accordance with law.

Be that as it may, but considering the custody of the petitioner i.e. since 04.06.2018 and only 7 witnesses have been examined and 11 witnesses are yet to be established, this Court finds that the trial in the case will take sufficient long time and deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case, as this order is confined to the present bail petition for grant of bail only, and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

22.08.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No