

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

CRM-M-47503-2019

Date of decision:14.11.2019

DHARMENDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sharad Choudhary, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.118 dated 25.5.2019 under Section 306 read with Section 34 IPC & Sections 12 of POCSO Act registered at Police Station Badhra, District Charkhi Dadri.
2. The FIR was lodged at the instance of Balwan wherein it has been alleged that his daughter Priyanka used to remain disturbed since the last about 3/4 days and when the complainant repeatedly asked her about the reasons for the same, she informed that Devinder @ Kalia and Dharmender who reside in the neighbourhood had been troubling her. It is alleged that on 23.5.2019 in the afternoon his daughter consumed poison and ultimately expired. It is alleged that complainant's daughter had consumed poison as she had been troubled by aforesaid Devender @ Kalia and Dharmender.
3. Learned counsel for the petitioner has submitted that the FIR came to be

lodged due to some misunderstanding and suspicion which was not well founded and that the misunderstandings have now been cleared. The learned counsel has submitted that pursuant to filing of challan, the complainant had appeared in the witness-box as PW-1 wherein he categorically stated that his daughter had died due to food poisoning. Learned counsel in this regard has also referred to statements of PW-2 Sukhvinder, PW-3 Sandeep, PW-4 Parveen & PW-5 Bimla annexed with the petition, who have also not stated even a word against the petitioner. Learned counsel has thus prayed for grant of regular bail to the petitioner.

4. Opposing the petition, learned State counsel submitted that since call details record shows that several calls were exchanged between the deceased and the petitioner, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and keeping in view the fact that the petitioner has been behind bars since more than 5 months and that the material witnesses have not supported the case of prosecution, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

14.11.2019
Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?	Yes / No
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