

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

CRM-M-47663 of 2018.

Decided on:- January 30, 2019.

Kapil.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Sanjeev Kumar Birla, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.401 dated 25.10.2016 under Sections 306, 506, 511 and 376 read with Section 34 IPC registered at Police Station Shivaji Colony, Rohtak.

The aforesaid FIR was registered on the basis of statement of Anjali daughter of Om Niwas recorded before the Judicial Magistrate 1st Class, Rohtak on 24.10.2016. In her statement, the victim had deposed that the petitioner was harassing her for the last about 5 months. He had threatened her that either she should talk to him, otherwise, he will kill her and her family members. The petitioner-accused would ring the bell of the door at any time in the night and would disappear soon thereafter. In this

manner, petitioner harassed her continuously. On 24.10.2016 at about 06.00 P.M. when the mother and sister of the complainant were on the roof of the house, the complainant set herself ablaze by pouring kerosene as she was being harassed by the petitioner. She was rescued by the neighbours. However, since her eyes were burnt, she could not identify the neighbours. She has not disclosed the factum of harassment to her family members because the petitioner has extended threat to her.

Learned counsel for the petitioner has argued that the story of the prosecution is totally false and concocted. The allegations are vague and the petitioner has falsely been implicated in the case. He is in custody since 11.04.2017 and the Challan has already been presented by the police. The trial in the case will take time. The suicide note left out by the deceased is not signed by her, which was handed over by Mamta, sister of the deceased and it is on this basis, the offence under Section 376 IPC has been added by the investigating officer after manipulating the suicide note.

On the other hand, learned State counsel has argued that the allegations against the petitioner are serious. Since the petitioner has extended threat to the deceased, in case the petitioner is admitted on bail, he may influence the prosecution witnesses.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious in nature. The petitioner, who is otherwise, neighbour of the complainant (since deceased) used to harass her and was pressing her to talk with him, otherwise he will kill her (deceased) and her family members. The deceased has specifically named

the petitioner, who was harassing her. At times, the petitioner used to ring the door bell of the house of the deceased in the night and to flee away immediately thereafter. Facing this embarrassing situation, the complainant had committed suicide by pouring kerosene. Therefore, this Court finds that in case the petitioner is admitted bail at this stage, he may influence the prosecution witnesses.

Accordingly, the present petition, being devoid of any merit, is dismissed at this stage.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 30, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No