

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32075-2019 (O&M)
Date of Decision:- 19.10.2019

Jaivir ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

CRM-32409-2019

In view of the reasons mentioned in the application, the same is
allowed as prayed for.

CRM-M-32075-2019 (O&M)

1. Petitioner-Jaivir, seeks grant of regular bail in a case registered vide
FIR No.99, dated 25.2.2019, registered at Police Station City
Fatehabad, District Fatehabad, under Sections 346, 306 IPC.

2. The FIR was lodged at the instance of Sonam mother of the deceased wherein it has been alleged that her daughter Meenu went to the house of Om Parkash Mehta on 24.2.2019 where she was doing house-hold work but had not returned back and that although they had searched for her but she could not be traced. The complainant suspected that Jaivir had abducted complainant's daughter and had kept her somewhere.
3. Learned counsel for the petitioner has submitted that a very vague FIR had been lodged wherein the petitioner has been named simply on the basis of suspicion and that there is nothing on record to suggest that the petitioner had committed any act which can be construed as an abetment for commission of suicide by the complainant's daughter.
4. Opposing the petition, learned State counsel has submitted that the complainant made a supplementary statement on 26.2.2019 wherein she has furnished the details and has stated to the following effect:

“Stated that I am resident of above mentioned address. I have three sons and three daughter, my eldest daughter Meenu, whose age 25 years, whose marriage was solemnized in Fatehabad with Deepak s/o Rai Singh R/o Shakti Nagar, Fatehabad approximately 5 years ago. Due to temperamental difference in the hosue with the husband since last 3 years Meenu was residing with us. Meenu is having a child aged about 2 ½ /3 years. My daughter Meenu used to go in the house of Om Parkash Mehta, Advocate r/o Gol Kothi for making food. On dated 24.2.2019 approximately 1 PM I was in the house of Om Parkash Mehta for conducting the Massage of his wife at that time lud noises was heard then Om Parkash, Advocate and I came out from the house then Jaivir s/o Satpal Naik r/o Ward No.6, Fatehabad and his wife present there and

threatening my daughter with loud voice. The wife of Jaivir was saying to my daughter that why you talk with my husband. Then my daughter told that your husband troubles me a lot. Due to fear I have not disclosed this fact at my home and Om Parkash Mehta told to 3 sons that you go outside from my home and they done. When on dated 24.2.2019 I was searching my daughter and I have not found anywhere then on 25.2.2019 I have made a complaint in the police station regarding the missing of my daughter. Today I came to know that my daughter Meenu have committed suicide by jumping from over bridge in Dhangad due to repeated harassment given at the instance of Jaivir s/o Satpal Naik r/o Ward No.6. It is humbly submitted that legal action be taken against Jaivir s/o Satpal, so that we could get the justice.”

5. Learned State counsel has thus submitted that since it was on account of quarrel which had taken place between the deceased and the petitioner which led to the deceased taking the drastic step of committing suicide, no case for grant of bail is made out. It has however been informed that challan already stands presented and that as on date 4 out of cited 17 PWs have been examined.
6. I have considered rival submissions addressed before this Court. A perusal of supplementary statement shows that the complainant has alleged therein that her daughter had committed suicide after she had a quarrel with the petitioner. It will certainly be debatable as to whether a mere quarrel can be said to be sufficient enough to construe abetment to drive somebody to commit suicide. In any case, since challan already stands presented and the petitioner has been behind bars since the last about 6 months and till date only 4 out of the cited 17 PWs have been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is

accepted and petitioner-Jaivir is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

October 19, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No