

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

CRM-M-51654-2019

Date of decision:12.12.2019

UDEY RAJ

.....Petitioner

Versus

STATE OF UT CHANDIAGRH

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Sumit Jain, APP, U.T. Chandigarh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.109 dated 31.8.2019 under Sections 306, 304-B/34 IPC, Police Station Sector 49, Chandigarh.
2. The FIR was lodged at the instance of Raj Kumar wherein it has been alleged that his sister Neelam (deceased) was married to Dhanesh Kumar @ Rahul on 7.6.2014. It is alleged that the complainant's sister and brother-in-law came to Chandigarh after staying with their in-laws for few days in their village and that his sister Neelam had been residing with her husband in Sector-49, Chandigarh since last about 5 years. It is further alleged that father-in-law, mother-in-law and brother-in-law of

complainant's sister reside separately in Sector-18, Chandigarh. It is further stated that the complainant's sister used to disclose to the complainant as well as to his other sisters and her parents that her father-in-law (petitioner) used to provoke complainant's brother-in-law (*Jija*) after consuming liquor and used to repeatedly tell him not to permit complainant's sister to visit her parental home in Maloya. It is further alleged that Dhanesh Kumar used to torture and give beatings to his sister after consuming liquor. It is alleged that in the year 2018 when the complainant's sister went to attend her sister-in-law's wedding, she was given beatings by her sister-in-law (*Nanad*) and her brother-in-law (*Devar*). It is alleged that complainant's brother-in-law frequently used to torture to his sister and forced his sister to commit suicide.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and even as per the FIR no such act which could constitute "abetment to commit suicide" is made out and that vague allegations have been levelled therein that he had been provoking the husband of the deceased not to permit the deceased to visit her parental home. It has further been submitted that in any case since the petitioner admittedly was residing separately from the deceased and her husband, there would hardly have been any occasion to harass the deceased.
4. Opposing the petition, learned State counsel has submitted that the petitioner has been named in the FIR and is specifically alleged to have influenced the husband of the deceased against her. However, it is not disputed that the petitioner had been residing separately from the deceased and her husband. It has also been informed that the petitioner

has been behind bars since last 3 months and challan already stands presented.

5. Having considered rival submissions addressed before this Court and while bearing in mind nature of allegations levelled in the FIR and that the petitioner had been maintaining separate residence from the deceased and as on date has been behind bars since last more than 3 months and challan stands presented, further detention of the petitioner would not serve any purpose as conclusion of trial, in its normal course, is likely to take some time. 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.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

12.12.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**