

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

(Proceedings conducted through video conferencing)

CRM-M No. 14052 of 2020(O&M)

Date of decision: 20.8.2020

Harish Kumar

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Punit Malik, Advocate for the petitioner.

Mr. Sanjay Mittal, Additional A.G., Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.676 dated 02.11.2019 for offence punishable under Sections 306 of the Indian Penal Code, 1860 (in short 'IPC') (offence under Section 452 IPC added later) registered at Police Station Palam Vihar, District Gurugram, pending trial.

Counsel for the petitioner would argue that even if allegations raised in the FIR are taken on its face value, the case is lacking in essential ingredients constituting offence under Section 306 IPC. It is further argued that there was relationship between the petitioner and deceased Kamlesh and since family of the deceased was not happy with that relationship, they indicted the petitioner in the crime by raising allegations that Kamlesh made a telephonic call to her brother and narrated that on 31.10.2019 Harish Kumar threatened her to run away with him failing which he would abduct the deceased and extended threat to kill her

brothers. The last submission made by counsel is that petitioner is in custody for the past about 9 months and trial is not progressing due to Covid-19.

Counsel representing State of Haryana has opposed the prayer for grant of bail with the submission that in view of gravity of offence under Section 306 IPC, the petitioner does not deserve to be enlarged on bail, else he may intimidate the witnesses or tamper the prosecution evidence.

Be that as it may, on completion of investigation, challan has been presented in the Court but conclusion of trial is likely to take its own time. Perusal of allegations raised in the FIR, prima facie, reveals that there were relations between the petitioner and deceased. The deceased committed suicide on 02.11.2019. As per the allegations, deceased informed her brother about threat extended by the petitioner telephonically on 31.10.2019 with regard to her abduction or killing her brothers. There is no allegation against petitioner that he is likely to flee from process of justice, in case enlarged on bail.

In view of the above, without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court/Additional Sessions Judge (on duty), Gurugram. However, he shall abide by the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;

(ii) He shall not leave India without previous permission of
the Court.

Disposed of accordingly.

AUGUST 20, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no