

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-15222 of 2020
Date of Decision: October 12, 2020

Rituraj @ Sonu

...Petitioner

Versus

State of U.T.Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. Manish Jain, Advocate,
for the U.T.Chandigarh.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.3 dated 03.01.2019, under Sections 304-B and 34 IPC, 1860, registered at Police Station, Mauli Jagran, Chandigarh. The petitioner is in custody since his arrest on 03.01.2019.

The above FIR was registered on the statement of complainant Rakesh Kumar, wherein it was stated that he is the brother of deceased Beauty Devi. He was working as Nayak in Indian Army and presently posted at Kapurthala (Punjab). They are four brothers and sisters. On 18.04.2018, the marriage of Beauty Devi was solemnized with Ritu Raj @ Sonu according to Hindu rites. After the marriage, her in-laws, i.e., husband Ritu Raj @ Sonu, mother-in-law, Bachni Devi, father-in-law Satinder Kumar Singh @ Kamal Chand, brother-in-law Vishal and uncle Gobinda

started harassing her by demanding Bullet motor cycle and money. At the time of marriage, he had also given a mobile phone to her sister, so that she could call them, but same was broken by her husband. He also sold out all the jewellery articles, which were given by them at the time of marriage. Thereafter, they started harassing her mentally and physically. The complainant along with other respectable persons went to her house to persuade her in-laws, on which assured that they would not harass her again. When his sister came to the house in the month of October, she also showed the injury marks on her body. On 27.11.2018, her husband took her to his home, but they had not stopped to torture. Due to mental and physical torture by her in-laws, she committed suicide by hanging herself on 02.01.2019. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the victim ended her life by hanging and the petitioner being husband along with other close relatives was indicted as an accused in the said case. He submits that the other accused, who are parents, uncle and brother of the petitioner have been released on regular bail and, therefore, the petitioner also deserves the concession of regular bail as the prosecution has set up a common case against all the accused persons. It is pointed out that the father of the victim has already been examined as a witness before the trial Court, therefore, the further custody of the petitioner may not be necessary as the trial is likely to consume considerable time to conclude. He prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned counsel appearing on behalf of the U.T.Chandigarh has opposed the prayer on the ground that the offence is serious. However, it is not disputed by him that the co-accused of the

petitioner have been released on bail and father of the victim stands examined. It is pointed out that the complainant (brother of the victim) is yet to be examined.

At this stage, learned counsel for the petitioner contends that the complainant is serving in Army and his examination may take some time. It is further contended that the complainant is a close relative of the victim and, therefore, there is no possibility of his being won over.

After hearing the learned counsel for the parties, this Court finds that after completion of investigation of the case, the final report has been filed and the trial has commenced. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 03.01.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Chandigarh.

October 12, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No