

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 16663-2020
Date of decision August 10, 2020

Mehar Chand and anotherPetitioners

Versus

State of HaryanaRespondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ajay Ghangas, Advocate for the petitioners.

Mr. Anmol Malik, DAG, Haryana.

Mr. N.S. Shekhawat, Advocate for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners, who are the parents-in-law of the deceased Neeraj seek concession of bail pending trial in FIR No. 307 dated 09.05.2020 under Sections 306, 34 IPC registered at Police Station Ballabgarh city, District Faridabad.

It is submitted that the petitioners' daughter was married with the deceased, namely, Neeraj on 18.04.2019. However, she was subjected to harassment on account of demand of dowry. The petitioners' daughter is alleged to have been physically abused by the complainant and other family members on the night of 06.05.2020. The present petitioners alongwith other family members went to the matrimonial home of their daughter - Anjali Sharma on 07.05.2020. However, there was a scuffle between the parties and Anjali Sharma was thrown out of the matrimonial home. The petitioners alongwith Anjali Sharma, allegedly went to General Hospital, Ballabgarh for treatment but the complainant party,

scuttled their efforts for medical aid. The petitioners ultimately took Anjali Sharma to General Hospital, Palwal where she was medico legally examined. A complaint was submitted by Anjali Sharma on 08.05.2020 at Palwal against her husband and other family members. However, unfortunately on the intervening night of 8/9.05.2020, Neeraj died in suspicious circumstances at his home. It is contended that absolutely false allegations have been raised against the petitioners and no offence punishable under Section 306 IPC is made out against the present petitioners, who themselves are suffering in the whole scenario. Moreover, final report under Section 173 Cr.P.C., it is submitted, stands presented. It is, thus, prayed that this petition be allowed.

Learned counsel for the complainant vehemently argues that it is the action on the part of the petitioners alongwith others, which forced the complainant's son to commit suicide. The deceased has left a suicide note in which he has clearly mentioned that he was driven to suicide, due to ill-treatment meted to his parents and inaction on the part of the authorities. Learned counsel for the complainant refers to medico legal reports of the mother of the deceased to submit that she was inflicted serious injuries in respect to which FIR No. 306 dated 09.05.2020 stands registered. It is, thus, prayed that this petition be dismissed.

Learned counsel for the State opposes this petition. It is however verified by ld. counsel on instructions from SI Ashok Kumar, that final report under Section 173 Cr.P.C. stands presented. No recovery has to be effected from the petitioners. It is also not denied by learned counsel for the complainant and the state that the daughter of the petitioners had left the matrimonial home on

07.05.2020 though it is contended that she had left the matrimonial home on her own accord alongwithher parents and family members. The petitioners, who are the parents-in-law of the deceased, have been in custody since 10.05.2020. In respect to the injuries suffered by the mother of the deceased, allegedly at the hands of the accused party, FIR No. 306 dated 09.05.2020 stands registered. It is confirmed that the petitioners are not involved in any other criminal cases.

There are no allegations on behalf of the State that petitioners are likely to abscond or thatthey are likely to dissuade the witnesses from deposing true facts , if released on bail. Trial in this case is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioners incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 10, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No