

CRM-M-17141-2020 (O&M)

Date of Decision : 05.11.2020

Dharam Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Sukhvir Singh, Advocate for the petitioner.

Mr. Sanjay Mittal, Addl. AG, Haryana.

Harinder Singh Sidhu, J

The case has been taken up through video conferencing on account of Covid-2019 pandemic.

Prayer is for grant of bail in case FIR No.177, dated 30.06.2018 under Section 306 IPC, 1860 registered at Police Station Sadar Sirsa, Tehsil and District Sirsa.

The FIR was registered on the complaint of Teja Ram, who stated that his youngest daughter Bimla @ Gurpreet was married with the petitioner in village Mallekan in the year 2003. Two sons were born out of the said wedlock. The eldest is 12 years old and the younger is 10 years old. The father of the petitioner had died some days before whose Rasam Pagri held on 07.05.2018. The entire family of the complainant had participated in the Rasam Pagri. After the Rasam Pagri, all the family members had returned. However, the brother of the complainant and his wife Manjit Kaur stayed there in night at village Mallekan. The daughter

of the complainant disclosed to them that his father-in-law and Hajura Ram jointly purchased a land in the name of Hajura Ram which had been sold for consideration of Rs.18 lacs. The entire sale consideration had been kept by Hajura Ram without giving the half share of Bhura Ram (father-in-law) of the deceased. It was also stated in the complaint that the complainant after the marriage of her daughter had given Rs.50,000/- to the petitioner to construct a house on the plot. After the death of the father-in-law of the deceased, the complainant had also given Rs.20,000/- to the family member of the deceased. The deceased had been asking her husband, brother-in-law, sister-in-law and the other family members to recover Rs.9,00,000/- (nine lacs), which were pending against Hajura Ram and settle the account. It was alleged that all the accused persons i.e. Dharam Pal (petitioner), Sukhdev (brother of the petitioner), Hajura Ram, Jassi Kaur (sister of the petitioner), Bindri (daughter of Hajura Ram and his son-in-law) in connivance with each other had committed the murder of the daughter of the complainant as they suspected that as and when the amount of Rs.9,00,000/- is received by the family of Hajura Ram, the deceased would ask for return of Rs.70,000/- from them, which the complainant had given to them. After registration of FIR, investigation was conducted. No suicide note was found in the investigation. On 29.01.2020, after about 1 year and 7 months, the investigation was again conducted whereas the other accused were found to be innocent. The challan has been presented against the petitioner.

Learned counsel for the petitioner has argued that no offence is made out against the petitioner. There is no allegation in the FIR or in the challan which indicate that the ingredients of offence under Section 303 is made out. Though, the deceased died on 10.05.2018 and the present FIR was registered on 30.06.2018. There is a delay of 1 month and 20 days in registration of the FIR and there is no explanation for the delay caused in registration of the FIR.

Learned State counsel has opposed the bail on the grounds of seriousness of offence. He further states that challan has been presented and the petitioner is in custody since 19.02.2020.

The trial of the case has not made any headway because of the prevalent pandemic Covid-2019. No useful purpose would be served by keeping the petitioner behind the bars. In view thereof, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

(HARINDER SINGH SIDHU)
JUDGE

November 05, 2020
Manpreet

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