

104.

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

CRM-M-17735-2020 (O&M)

Date of decision: 27.07.2020

MAHABIR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.K. Garg Narwana, Senior Advocate, with
Mr.Pardeep Shimar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. M.R. Sharma, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-17051-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the certified copy of final form/report under Section 173 Cr.P.C. as Annexure P-4 and to place on record the same.

For the reasons stated in the application, same is allowed and the document Annexure P-4 is taken on record.

CRM-M-17735-2020

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.329, dated

31.08.2019 registered under Section 306 of IPC at Police Station Hathin, District Palwal.

The earlier petition i.e. ***CRM-M-1614-2020*** was dismissed as withdrawn on 06.02.2020.

Learned senior counsel appearing on behalf of the petitioner has *inter alia* argued that FIR in the case was registered on 31.08.2019 and the petitioner was arrested on 03.01.2020 and since then, he is in custody. There is no date and time given in the FIR when the deceased was ever harassed by the petitioner. Initially in the FIR, the allegations were made against 4 persons whereas other three persons were found innocent during investigation. There is no allegation of threat in the FIR. The precise allegation in the FIR is that the petitioner along with other co-accused used to tease the deceased Sonu on her way and at home, and used to say either come to them or they will kill her. Being harassed by the conduct of the accused, the deceased has died on 31.08.2019 at about 7.15 PM, as she committed suicide.

Learned counsel for the complainant has argued that earlier also, the petitioner has entered the house of the complainant and the matter was compromised before the police. She used to be harassed by the accused. He has referred to CD to support his argument of earlier incident.

Learned State counsel has argued that the allegations against the petitioner are serious. As per the FIR, the deceased has died as the petitioner along with the other co-accused used to tease her.

I have heard learned counsel for the parties.

The CD produced by the complainant is not very audible.

Petitioner is in custody since 03.01.2020. It is only in the supplementary statement made by the complainant the factum of earlier incident has been brought to the notice of the police. Challan in the case has already been presented. The trial will take sufficient long time.

The argument of counsel for the complainant that there is a CD to the effect that earlier also the petitioner has tried to enter the house of the complainant, is a matter to be considered during trial. Therefore, this Court is not soliciting any observation regarding its authenticity, which would be considered during trial.

Considering the custody of the petitioner and the fact that trial in the case will take long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

27.07.2020
sanjeev

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