

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21224-2020

Date of Decision: August 13, 2020

Tejpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Divjyot S. Sandhu, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Devender Kumar, Advocate,
for the complainant.

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.74 dated 04.03.2020, under Sections 304-B read with Section 34 IPC, registered at Police Station, Mundkati, District Palwal. The petitioner is in custody since his arrest on 07.03.2020.

The allegations in the FIR, as noticed by Additional Sessions Judge, Palwal in the order dated 10.07.2020 declining bail application of the petitioner, read as under:-

“It all started on 04.03.2020, when a telephonic message was received in Police Control Room, Palwal as regard Smt.Ritu, the wife of Amar Singh having been killed (for short the deceased). Upon the receipt of this information, ASI Nasib Khan along with his fellow police officials reached at the house of co-accused Amar, where the dead body of the deceased was lying on the floor in front of courtyard and many persons were present there. There, Moti Ram, the father of

deceased was present. He submitted a written complaint alleging that on 04.02.2020 at about 10.30 O'clock, the deceased gave him a telephonic call as to where he was and where was her brother Manish. Thereafter, call was disconnected. After about 15 minutes at 10.50 O'clock, the petitioner gave all to deceased's husband Amar Singh (the co-accused), who told him (complainant) that the deceased had died and he further said to him to take away the dead body of the deceased. Thereafter, the complainant visited his elder brother Kishore Singh, Chairman, who instructed him (complainant) to visit the spot to check the condition of deceased. Thereafter, the complainant along with others came in village Aurangabad and went to the house of her daughter (deceased), where she was found dead. Thereafter, the police was telephonically informed about the matter, which reached at the scene of crime.

Learned counsel for the petitioner contends that the complainant (Moti Ram) never made any allegation regarding demand of dowry in the FIR, and the victim, namely, Ritu also ended her life voluntarily by committing suicide. He further submits that the another sister of victim, namely, Laxmi Devi (daughter of Moti Ram) was married to the other son of the complainant and no such allegation regarding maltreatment of the said daughter was ever made by the complainant or his daughter. It is further pointed out that the petitioner was residing separately and was having a separate ration card, which is appended with the petition as Annexure P-1. He prays for grant of bail to the petitioner, during the pendency of the trial, as the investigation is complete.

On the other hand, learned State counsel, assisted by ASI Shishpal as well as the counsel for the complainant, has opposed the prayer on the ground that the supplementary statement of the complainant was

recorded on the same day, wherein the allegation regarding of dowry was made by him.

At this stage, learned counsel for the complainant has produced the statement of Laxmi Devi recorded under Section 161 Cr.P.C. , wherein she has also alleged that the petitioner and his wife etc. were harassing her and her sister Ritu by demanding dowry. However, it is not disputed that Laxmi Devi was residing with her husband and left his company after the occurrence to reside with her father. It is not disputed by the learned State counsel that the investigation of the case is complete.

Considering the above background, custody of the petitioner and the fact that the investigation of the case is complete, this Court does not find any reason to decline the prayer on behalf of the petitioner, who is 65 years old, as the trial is also likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 07.03.2020, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, 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, Palwal.

The petition is allowed.

August 13, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No