

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

CRM-M-25040-2020(O&M)

Date of decision:-9.11.2020

Virender @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Virender @ Billa, aged about 24 years – an accused in FIR No.139 dated 8.5.2019 for the offence under Sections 306/34 IPC registered at Police Station Kasola, District Rewari.

Briefly stated, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Vikram son of Ramdhan, resident of village Raliawas, District Rewari, who in the written complaint submitted by him to the police stated that his daughter Jamna had taken up 12th class examination; on 8.5.2019 in the morning, he received a telephonic call from his father while he was in his office that Jamna had committed suicide at house; accordingly he went home and found dead body of Jamna hanging from

hook of the ceiling fan; the dead body of Jamna was brought down; a suicide note was found on the last page of the register. He stated that he had got registered an FIR No.81/2019 against Virender @ Billa (present petitioner) and Vinod, residents of Biranwas as their names were also there in the suicide note. The complainant sought taking of action against the culprits.

Petitioner/accused Virender @ Billa was arrested on 9.5.2019. After completion of investigation and other formalities, challan against the accused has been filed, which is pending trial. It may be mentioned here that the complainant had earlier lodged an FIR No.81 dated 15.3.2019 for the offences under Sections 363, 366-A, 506, 34 IPC with Police Station Kasola, District Rewari on the allegations that his minor daughter Jamna aged about 17 years had been kidnapped by the present petitioner Virender @ Billa and Vinod. Subsequently, Jamna had been recovered and brought back to her parental house.

Petitioner - Virender @ Billa had moved an application for regular bail in the Court of Sessions at Rewari. His such application, which was assigned to Additional Sessions Judge, Rewari had been dismissed vide order dated 9.3.2020. Thereafter, he had knocked at the door of this Court seeking regular bail. However, the said petition bearing CRM-M-12673-2020 was withdrawn on 3.6.2020. The petitioner has filed the present petition, which is second one seeking regular bail for the reason that his co-accused Vinod had been granted concession of regular bail by this Court vide order dated 04.8.2020 passed in CRM-M-16902-2020.

The petition is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

I find that no ground for grant of regular bail to the petitioner is made out. It needs to be noticed here that initially the complainant had got registered FIR No.81 dated 15.3.2019 against the present petitioner and his co-accused Vinod for kidnapping of his minor daughter Jamna. Subsequently, when that Jamna had committed suicide, then the instant FIR was got recorded. Jamna had left a suicide note, which has been translated in English by counsel for the petitioner and attached as Annexure P-4. The same for ready reference is being reproduced as under:-

“I am ending my life because I am fed up with my life. Virender has ruined my life. Now I do not want to be alive. Therefore, I am committing suicide. Vinod was also in the conspiracy with Virender. Therefore, I am committing suicide because of them.”

The main culprit comes out to be the present petitioner Virender @ Billa. He had not only kidnapped a minor girl but had abetted her suicide also. His such criminal acts cannot be viewed lightly. Though as far as his co-accused Vinod having been granted concession of bail by this Court, the role of that Vinod was somewhat different from that of the present petitioner and it was in the form of conspiracy with the main culprit, the present petitioner. The present petitioner cannot claim parity

with Vinod for the purpose of seeking regular bail. Learned counsel for the petitioner has tried to build up a case that deceased Jamna had a love affair with the present petitioner. He has pointed out to the photographs showing petitioner along with deceased Jamna in a happy mood as well as the Whatsapp messages exchanged between them. He has submitted that the present petitioner was not responsible for the death of deceased Jamna and deserves to be released on bail keeping in view the long period of incarceration suffered by him.

However, I am not convinced by his such contentions. Even as per own case of the petitioner Jamna deceased was a minor at the time when she had been kidnapped by the present petitioner along with Vinod. As per law the consent of minor is no consent in the eyes of law. The petitioner cannot come up with the defence that deceased was a consenting party and she had willingly accompanied the petitioner, as such no offence of kidnapping could be attributed to the petitioner.

With regard to the offence of abetment of suicide, the suicide note left by the deceased clearly goes to show that she had blamed the present petitioner for compelling her to end her life. Therefore, it cannot be said that essential ingredients of Section 306 IPC are not made out. After registration of the FIR, the case had been investigated. Since sufficient evidence was collected by the investigating agency showing commission of offence under Section 306 IPC against the present petitioner and his co-accused Vinod, they had been sent up to face trial. Charge has been framed and case is at the stage of prosecution evidence. No doubt on account of outbreak of Covid – 19, the working of the Courts

had come to standstill for few months. However, things are slowly returning to the normal and hopefully situation would improve further with the passage of time and normal working would be resumed in the Court in near future. The guilt of the accused shall be determined during the trial. Keeping in view the gravity of the offence for which he has been booked and apprehension expressed by the State counsel that if released on bail, there is likelihood of his trying to tamper with the prosecution evidence and abscond even, which cannot be brushed aside lightly, no case for grant of regular bail the petitioner is made out.

Finding no merits in the petition, the same stands dismissed.

9.11.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No