

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

212

CRM-M-27315-2020(O&M)

Date of Decision: 15.09.2020

MAINPAL

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.
Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J.

The petitioner prays for bail pending trial in a criminal case arising from FIR No.30, dated 27.02.2020, registered under Section 328/302/306 IPC (Section 328/320 IPC added later on) at Police Station Baund Kalan, District Charkhi Dadri.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Charkhi Dadri, in paragraph 2, which is extracted as under:-

“Briefly summarized the case of the prosecution is that the present FIR was lodged on the basis of the complaint made by Ompal Singh father of the victim deceased. It is alleged by the complainant that he got solemnized the marriage of his daughter (since deceased) aged about 52 years with the present applicant Mainpal in the year 1989 and one son and one daughter both married were born out of their wedlock. It is further alleged by the complainant that present applicant Mainpal after consuming liquor used to give beatings his daughter (since deceased) due to which she was under depression. It is further alleged by the complainant that on 26.2.2020 the present applicant after consuming liquor gave beatings to his daughter (since deceased) and also forcibly gave poison to her. It is further alleged by the complainant that his grand son (dohta) took the victim to

PGIMS Rohtak where she died. On the basis of the complaint the police registered case FIR No.30 dated 27.2.2020 under Sections 302 and 328 of IPC. After investigation the police has deleted Sections 302 and 328 of IPC and filed charge sheet under Section 306 of IPC.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel for the petitioner while drawing attention of the Court to the Forensic Science Laboratory report has contended that there is no injury on the lips of the deceased. Learned counsel for the petitioner has further contended that the deceased was married to the petitioner for approximately 30 years and there was no prior complaint regarding the misbehavior of the petitioner with the deceased filed with the police.

On the other hand, learned counsel for the State has submitted that on conclusion of the investigation, challan has been presented.

It may be noticed here that the police originally has registered the case against the petitioner under Section 302/328 IPC. Thereafter, the Investigating Agency presented the challan under Section 306 IPC. As per the opinion of the doctor from the Department of Forensic Medicine, no injury was found present in and around the perioral region(mouth). Still further no external or internal injury mark was found present all over the body of the deceased. Further the prosecution is relying upon the alleged disclosure statement of the petitioner which is not admissible in evidence under Article 20(3) of the Constitution of India, being self incriminating.

As per the information supplied by learned counsel for the State, on instructions from ASI Ashok Kumar, the petitioner does not have criminal antecedents.

Keeping in view the aforesaid discussion and without expressing any opinion on the merits of the case, it is considered appropriate to direct that the petitioner be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

September 15, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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