

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 - CRM-M-31540-2020 (O&M)

Date of Decision: 13.10.2020

Soma @ Sompal

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Parveen Kumar, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Soma @ Sompal who is stated to be aged 44 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.360 dated 30.10.2014 under Sections 302/450/201/120-B/34 IPC registered at PS Safidon, Jind.

Learned counsel for the petitioner at the outset submits that the co-accused Mangat (CRM-M-20905-2020) and Sandeep (CRM-M-27392-2020) have already been granted bail by this Court vide orders dated 11.08.2020 and 01.10.2020, respectively.

Learned counsel for the petitioner by making reference to the order dated 11.08.2020 in **Mangat's** case submits that it has been noticed in the said order that in the FIR the petitioner herein was himself the complainant and had lodged the FIR on 30.10.2014 that Jyoti (earlier married to Sunil brother of petitioner) has died. It has then come during

investigation that unfortunately Sunil had died and a *kareva* marriage as per customs was conducted between the petitioner and Jyoti.

Learned State counsel on instructions from ASI Hari Krishan submits that the challan in this case was presented on 20.02.2020. There are a total of 44 witnesses but none have been examined. It is further submitted that the petitioner was arrested on 11.10.2019 and has thus completed one year of custody.

At this stage, learned State counsel makes reference to the paragraph 4 of the order dated 11.08.2020, the relevant part of which is to the following effect:-

“...it is relevant to mention here that Puja - the original wife of Sompal was having some dispute and as such was living separately in her paternal home. It has then come in investigation that Sompal was allegedly working with Mangat - the present petitioner as mistry and the allegation against the present petitioner is that he suggested that there are people available who can, by taking some money, eliminate Puja. Sompal paid Rs.1.25 lakhs advance but since those persons could not eliminate Puja, they ultimately eliminated Jyoti on the asking of Sompal. It is then submitted that allegedly Pardeep and Sandeep had actually killed Jyoti whereafter Sompal on the asking, had to pay another amount the total amount being Rs.3.5 lakhs.”

Faced with this situation, learned counsel for the petitioner submits that the petitioner is a 44 year-old person. He submits that the petitioner who had conducted *kareva* marriage with the deceased is not likely to be involved in her killing. Counsel further submits in order to show his *bona fide*, the petitioner and his family members have offered to transfer ownership of one shop in the village in his name which is

approximately Rs.4 to 6 lakhs in the name of minor children of the

deceased Jyoti within one month of his release, with an undertaking that they would neither alienate the said property nor create any encumbrance on the same, till further orders of the Court and would also undertake not to involve himself in any criminal case from today. The said property shall continue to be in the name of the minor children and the income derived therefrom by way of rent or otherwise shall be utilized only for the benefit of minor children.

Counsel submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety, which the trial Court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by counsel for the petitioner, the petitioner would transfer ownership of one shop in the village in his name which is approximately Rs.4 to 6 lakhs in the name of minor children of the deceased Jyoti within one month of his release, with an undertaking neither to alienate the said property nor create any encumbrance on the same, till further orders of the Court and would also undertake not to involve himself in any criminal case from today. The said property shall continue to be in the name of the minor

children and the income derived therefrom by way of rent or otherwise shall be utilized only for the benefit of minor children. The above said amount shall be without prejudice to the defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

13.10.2020

vishal shonkar

(Girish Agnihotri)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No