

Sr.No.217

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

**CRM-M-32447 of 2020
Date of decision:21.12.2020**

Kaif

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for a grant of regular bail to the petitioner in FIR No.147 dated 18.06.2020(Annexure P-1) registered under Section 306 IPC at Police Station Pinangwa, District Nuh.

As per FIR, complaint was lodged by one Akram son of Abdul Salam resident of village Flandi, Tehsil Punhana by alleging that his daughter was student of 10+2 class and that at about 2:00 AM on 18.06.2020 she has committed suicide by hanging in the room with the help of chhunni. It is stated in the FIR that the complainant was informed by his daughter about six months earlier that the petitioner used to follow her at the time of coming and going to school and used to see her with bad intention to which he had told her that he will make the petitioner understand as the petitioner

was in their relation. The father of the petitioner namely, Usman was also informed regarding the same but he did not stop the petitioner and the daughter of the complainant had been complaining against the petitioner continuously. The petitioner did not stop his bad habits and the brother of the complainant had also made calls to him to make him understand regarding which the recording is also available. Since last one month petitioner was continuously giving threats to the complainant to the effect that he was having nude photographs and C.D of the deceased girl with him and he will put them on the internet, therefore, his daughter was under a lot of pressure and due to the shame she had stated to his wife on many occasions that if this happens then she will commit suicide. However, on 08.06.2020 in the night, the petitioner came to their house and tried to open the locked gate and in the meantime, the mother of the complainant woke up and interrupted him upon which he ran away. However, at about 2:00 AM the wife of the brother of the complainant woke up and she found that the deceased girl was not there and she immediately informed the wife of the complainant regarding the same. They saw that the door of the room was opened and the deceased girl was hanging with the help of the chhunni which was tied on the other side of the roof. It is further stated in the FIR that on 16.06.2020 petitioner had come present in front of the house of the complainant and had stated that although they have not called them but he has many photographs and other things which he will put on the internet. Under the pain of shame, his daughter had taken this step.

Learned counsel for the petitioner has submitted that it is a case where ingredients of Section 306 IPC are not fulfilled as there was no active incitement which compelled the deceased to commit suicide. He has further

submitted that the investigation of the present case is complete, challan was presented on 04.09.2020 and that the petitioner is in custody since 09.07.2020. He has submitted that in fact the petitioner has been falsely implicated and the deceased had committed suicide not because of the petitioner but because of the fact that the father of the deceased had refused the marriage of the petitioner with the deceased and consequently, she had committed suicide. Learned counsel has therefore, prayed for grant of regular bail to the petitioner.

On the other hand, learned State counsel has submitted that it is a case where contents of the FIR in the investigation *prima facie* shows that the deceased girl had taken the extreme step of committing the suicide on the incitement of the petitioner. He has further submitted that the girl committed suicide to avoid shame from the society because the petitioner had been threatening to post the nude photographs of the deceased on the internet. He has further submitted that it is not a fit case for grant of regular bail to the petitioner because he may still be having some photographs which may be misutilised by him. He has further submitted that it was because of the active incitement with regard to blackmailing of the deceased that she had committed suicide. He has further submitted that there is every likelihood that in case the petitioner is released on bail then he may influence the witnesses and the prosecution witnesses are yet to be examined. Therefore, prayed for dismissal of the present petition.

I have heard the learned counsel for the parties and perused the available record.

From the perusal of the FIR and the submissions of the learned

counsel for the parties it can be seen that in the FIR itself it has been informed by the complainant that the petitioner had been giving threats to the complainant that he is having nude photographs of his deceased daughter and he will put them on internet. At the time of deciding of the bail petition, the aforesaid fact itself would be a good ground for denial of the bail to the petitioner at this stage. The prosecution evidence is yet to commence and the stand taken by the learned State counsel that in case the petitioner is released on bail then he may misutilise the photographs, if any, may influence the witnesses in this regard, carries weight. Therefore, in view of the facts and circumstances of the present case, this Court does not deem it fit and appropriate to interfere in the present petition, therefore, the same is dismissed.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

21st December, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No