

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34984-2020

DATE OF DECISION: NOVEMBER 4, 2020

MUNNA LAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUMIT SANGWAN, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Munna Lal has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.239 dated 11.10.2019 unde Section 302, 328 IPC (later on Section 302 and 328 IPC deleted and Section 306 IPC added during investigation). The petitioner is in custody since his arrest on 26.7.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Charkhi Dadri in his order dated 28.9.2020, are as under:-

“As per the prosecution story, the case was registered on the complaint of complainant Pinki wife of Vinod Kumar, resident of Baganwala turn, Tosham who stated that her parental home is in Pashim Durgapur, Kolkatta. Her father has already been expired. Earlier she used to reside with her sister Sunita. Her sister got performed her marriage with Vinod Kataria of Tosham. The marriage of his sister namely, Sunita was performed

about 15-16 years ago with Om Paraksh son of Dariya Singh resident of village Berla. Sunita has three sons. Husband of her sister namely Om Parkash has already been expired. She visited to the house of her sister Sunita on 5.10.2019 in the house situated in the fields, where she was residing with her mother-in-law Bedkaur and three sons. The petitioner-accused Munna son of Raj Karan earlier expressed his desire to marry with said Sunita but she refused to him. On 10.10.2019, her sister Sunita came to the house after lifted the cotton crop. At about 10:00/11:00 p.m., her sister went for urination. After some time, the complainant saw that the petitioner-accused Munna forcibly administered poisonous substance (spray) to her sister Sunita due to which she fell down on the courtyard of her house. She administered the mustered oil to Sunita and arrange to shift her in Badhra, where the petitioner-accused arranged an Ambulance there. Thereafter, she shifted her sister to General Hospital, Bhiwani, where the doctor declared her sister as brought dead. Since Sunita refused to marry with petitioner-accused Munna Lal and due to this grudge, he forcibly administered the poisonous substance to her.”

Learned counsel for the petitioner contends that the version recorded in the FIR was regarding forcible administration of poison to the victim. But after investigation, the petitioner has been sent to face trial for the offence punishable under Section 306 IPC. He further contends that the victim voluntarily consumed poison and the version of the complainant has been disbelieved during investigation. According to him, the further custody of the petitioner may not be necessary as the investigation is already

complete. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Bir Singh does not dispute this fact that after completion of investigation, the final report has been filed for commission of an offence punishable under Section 306 IPC. He has apprised the Court that the case is now fixed for framing of charges.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete, however, the charges are yet to be framed. It is apparent that the trial has not yet commenced. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 26.7.2020 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 4, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No