

CRM-M-35681-2020

Date of decision: 06.11.2020

Vishal @ Billi

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Inderjeet Singh, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the official respondent-State.

Mr. B.S. Virk, DAG, Haryana has put in appearance and accepts notice on behalf of the official respondent-State. Copy supplied.

The petitioner-Vishal @ Billi has come up in this 1st regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.307 dated 26.08.2020 under Sections 306, 34 and 201 of the Indian Penal Code registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

The present case was got registered by the complainant, father of the deceased girl, then aged around 18 years.

The allegations in brief are that on 31.07.2020, the deceased hanged herself by means of her *chunni* and was rushed to hospital but subsequently, died. The allegations against the petitioner are that being living in the neighbourhood, he used to stop the girl and harass her.

Learned counsel for the petitioner *inter alia* contends that the girl at the time of the occurrence was major and was in a relationship with the accused and has sought to substantiate his arguments by placing reliance on phone calls (Annexure P-7).

The learned State counsel though does not dispute the facts but has strongly opposed the grant of bail on the grounds of heinousness of the offences.

Appreciating the submissions, bare perusal of the allegations and the evidence collected, a debatable issue arises over the very element of abetment to suicide by the petitioner. Mere fact that the deceased used to be stopped on her way and, therefore, a contentious issue arises over the applicability of offence under Section 306 IPC which can only be adjudicated at the time of trial. The petitioner is behind the bars since long time. In view of the period of incarceration and the fact that the trial is not likely to be concluded in the near future, no useful purpose will be served by keeping the petitioner behind the bars for more time. Accordingly, the petitioner

is ordered to be released on regular bail to the satisfaction of Chief
Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

06.11.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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