

Sr.No.210

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

CRM-M-5390 of 2021

Date of decision:11.02.2021

Jeet Singh

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Vivek Sharma, Advocate
for the complainant.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail in FIR No.173, dated 02.10.2020 registered under Sections 302, 34 IPC at Police Station Radaur, District Yamuna Nagar, later on it has been converted into under Section 306, 34 IPC.

As per the FIR a complaint was lodged by the father of the deceased against the petitioner and some other co-accused. The petitioner is the father-in-law of the deceased. As per the allegations the deceased namely, Mandeep Kaur was married with Harbhajan Singh in the year 1999 which is about 21 years ago and the petitioner is the father of the aforesaid Harbhajan Singh. As per the allegations after few days of marriage persons named in the FIR started harassing the deceased and the son of the deceased is now abroad. On 02.10.2020 at about 10:00 am the complainant was

informed that his daughter has died due of heart attack but at the time of cremation it was found that there was mark of rope on the neck of the deceased and marks of injury on her body. Thereafter, suspicion arose and the matter was investigated by the police. During the investigation it was found in the postmortem report by Board of Doctors that marks were present on both the sides of neck and underflying tissues with fracture of hyoid bone seen and carvical vertebrae C2, C3 seen and the cause of death as per the opinion was due to Asphyxia caused by hanging and all the injuries were antemortem in nature. Thereafter, challan was presented to the competent court under Section 173 Cr.PC and the offence under Section 302 IPC was deleted and offence under Section 306 IPC was added because as per the police it was a case of suicide. Furthermore, two of the accused namely, Jaspal Singh and Kiratpal Singh were found innocent and challan was presented only qua Harbhajan Singh(husband of the deceased), Balwinder Kaur(mother-in-law) and Jeet Singh (father-in-law) who is the petitioner in the present case.

Learned counsel for the petitioner has submitted that the petitioner is 75 years old man suffering from various ailments. He has stated that marriage of his son was performed more than 21 years ago and the deceased who was the daughter-in-law of the petitioner was suffering from acute depression and for that purpose he has also attached the record of various hospitals alongwith the present petition. He has submitted that by no stretch of imagination can it be a case under Section 302 IPC and therefore, police deleted the provision of Section 302 IPC and added Section 306 IPC. Learned counsel has submitted that the petitioner is in custody for almost three months and the investigation of the case is already complete

and the challan has already been presented and the matter is fixed for framing of charges. He has submitted that petitioner being an old man of 75 years of age and the fact that the offence under Section 302 IPC stands deleted, he may be considered for grant of regular bail.

On the other hand, learned State counsel has submitted that it is correct that the petitioner is in custody for about three months and it is also correct that earlier the FIR was registered under Section 302 IPC read with 34 IPC but in investigation it was not found that it was not a case of offence under Section 302 IPC, therefore, the same was deleted and challan was presented only under Section 306 read with Section 34 IPC. However, learned State counsel has opposed the grant of bail to the petitioner as it was a case where death of victim has occurred and the matter is serious in nature.

Learned counsel for the complainant has stated and has also opposed the grant of bail to the petitioner on the ground that the death was caused due to killing of his daughter by the petitioner and the other family members. However, he has not disputed the fact that the challan under Section 173 Cr.P.C was presented only under Section 306 read with 34 IPC. He has further submitted that the earlier sequence of events would show that the petitioner and his family members had been harassing his daughter and therefore, it was a case under Section 302 IPC.

I have heard the learned counsel for the parties.

It is not in dispute that investigation of the case is already complete and the challan stands presented in the competent court. It is also not in dispute that earlier FIR was registered under Section 302, 34 IPC but after investigation challan was presented under Section 306, 34 IPC and matter is now fixed for framing of the charges. The petitioner is an old man

of 75 years of age and the marriage of his son took place about 21 years ago with the deceased and learned counsel for the petitioner has also referred to the medical reports of different hospitals whereby according to learned counsel for the petitioner the deceased was suffering from depression which may have led to committing of suicide by the deceased. The fact that the matter is serious in nature and death has occurred itself cannot be a ground for denial of bail. Furthermore, it is not a case of the State that in case the petitioner who is 75 years of age is released on bail then he may influence any witness or he may tamper with any evidence.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

11th February, 2021

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No