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

**CRM-M No.11709 of 2021(O&M)
Date of Decision:22.07.2021**

DHARAM VEER

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.J.S Hooda, Advocate
for the petitioner.

Mr. Parveen Bhadu, AAG., Haryana.

Mr. Shahid Hussain, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

At the very outset, it may be noted that in the fifth line of second para of the order dated 22.04.2021, word “petitioner” has been typed in place of “complainant” while describing daughter-in-law of the complainant. The error is typographical in nature and the same needs to be corrected. The fifth line of second para of the order now shall read as daughter-in-law of the complainant in place of daughter-in-law of the

petitioner.

Office is directed to make necessary correction in the order dated 22.04.2021.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.24 dated 15.02.2021 registered under Section 306 IPC at Police Station Bahin, District Palwal.

On 22.04.2021 following order was passed:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner submits that the FIR was registered at the instance of Ram Kishan with the allegations that his daughter-in-law was having illicit relations with the petitioner and she was caught red handed on 06.02.2021. Daughter-in-law of the complainant (now necessary correction has been ordered) and the petitioner made an attack on the son of the complainant (Ranjit). Ranjit called his father i.e. complainant who got him freed. Daughter-in-law openly exhorted that she would keep on maintaining the relation with Dharam Veer. The complainant called father of Sonia (daughter-in-law) and on the asking of father of Sonia, the complainant along with 10 persons visited the village Atari in Uttar Pradesh. All the persons were attacked and they had to run in the night after saving their lives on 08.02.2021. Suicide was committed by Ranjit on 14.02.2021 out of fear of his wife and the petitioner.

Learned counsel for the petitioner further submits that there was no complaint made by the complainant either on 06.02.2021 or on 08.02.2021 when initially occurrence took place and the complainant party was invited to village Atari in Uttar Pradesh & thrashed there. Learned counsel for the petitioner has also relied upon one CD projecting a different

story that the complainant himself was found alone in the field in the company of his daughter-in-law i.e. Sonia and the ingredients of offence under Section 306 IPC are not attracted.

Learned counsel for the complainant however submits that there was a complaint made by the complainant party after the incident dated 06.02.2021 but the police did not record the same.

Learned State counsel on verification of facts submitted that no complaint was received by the police in respect of occurrences dated 06.02.2021 and 08.02.2021.

In view of the above, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 29.04.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, on his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner. The case shall be considered on merits on the adjourned date.

Adjourned to 21.07.2021.”

Learned counsel for the petitioner submitted that in compliance of order dated 22.04.2021, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel, on instructions from ASI Ashok Kumar, admits the aforesaid position and submits that the petitioner has joined the investigation on 29.04.2021 and he is no more required for further investigation of the case.

On the other hand learned counsel for the complainant opposed the bail on the ground that co-accused Sonia has been arrested and her regular bail has been dismissed by the Court of Sessions.

In view of incriminating facts recorded on behalf of the petitioner and denial on behalf of the complainant, the complicity of the petitioner would remain debatable. Ingredients of offence under Section 306 IPC would also remain debatable. At this stage, without forming any opinion on the merits of the case, it would be just and appropriate to confirm the order dated 22.04.2021.

Accordingly, order dated 22.04.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

22.07.2021
Amandeep

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