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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 14870 of 2021

Date of decision: 13.12.2021

Dharam Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Anuj Thakur, Advocate for the petitioner.

Mr. Davinder Bir Singh, Deputy Advocate General, Punjab.

ARUN MONGA, J. (ORAL)

This is second foray of petitioner before this court, seeking regular bail in FIR No. 132 dated 18.05.2020, registered under Section 306 IPC at Police Station-B Division, Amritsar. The first petition bearing CRM-M No. 34382 of 2020 was dismissed by this Court on 02.11.2020.

2. Per FIR, on 18.05.2020, son of complainant Zorawar Singh namely Harjinder Singh alias Toni (since deceased) committed suicide by hanging himself with ceiling fan. Prior thereto, deceased made a suicide note written by him, stating therein that due to the harassment caused to him by his wife, uncle of his wife Dharam Raj (petitioner) and friend of his wife, namely Sonia, he was taking the extreme step. Basis thereof, FIR was registered and petitioner as well as her niece and her friend were arrested. Challan has already been presented.

3. Learned counsel for the petitioner argues that there is no direct or indirect evidence of abetment by the petitioner for the commission of the alleged offence. The FIR was registered at the instance of the father of the deceased on the basis of a suicide note found by him, which was not recovered by the police rather handed over to the IO by the complainant himself. The alleged suicide note too has been planted. The father of the deceased was against the marriage of the deceased with Rohini alias Varsha. The relations between the complainant and his daughter-in-law were not cordial since the very beginning. The petitioner is in custody since 18.05.2020 i.e. for a period of more than 1 year and 6 months. The petitioner has been falsely implicated. He submits that no useful purpose would be served by keeping the petitioner in preventive custody any more.

4. Learned State counsel opposes the bail plea of the petitioner. He argues that there are specific allegations against the petitioner in the suicide note. He submits that there is every likelihood that he may influence the witnesses.

5. I have heard rival contentions of the respective learned counsels.

6. On a Court query, learned State counsel, under instructions from ASI Jagdish Kumar, submits that the complainant, on whose instance FIR was registered, has not supported the original version and has turned hostile. Material witness has been examined and rest of the witnesses are all officials.

7. In the premise, the net result is that the material witness has not supported the prosecution version. Recording of the statements of the rest of the witnesses will still take some time. The petitioner is in custody since

20.05.2020. The argument of the learned State counsel that the petitioner is likely to influence the witnesses, *prima facie* does not seem to be tenable as rest of prosecution witnesses are officials.

8. The pending trial is also not likely to conclude anytime soon as the Courts are currently functioning under certain restrictions caused by COVID-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension, seems to be improper and unfair at this stage.

9. Considering the overall scenario, coupled with prolonged detention already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner is directed to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case trial Judge is not available, before learned duty Judge, as the case may be.

13.12.2021
vs

(Arun Monga)
Judge

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