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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18114-2021

Date of Decision: 01.07.2021

Anil Chaudhary

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Parveen Chauhan, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.74 dated 01.06.2019 registered under Sections 306 and 34 IPC, 1860 at Police Station Bhupani, District Faridabad. The petitioner is in custody since his arrest on 11.02.2021.

The FIR was registered on the basis of statement of complainant Krishna and the allegations noticed by the Addl. Sessions Judge, Faridabad in the order dated 17.03.2021, while declining the bail application of petitioner, read as under:

“The allegations against the accused are that he and his daughter namely Nisha had compelled the son of complainant namely Haridutt alias Bholu (since deceased) to marry with his daughter. Accused and his daughter Nisha (co-accused not arrested so far) demanded Rs.5,00,000/- from the complainant and his son for solemnizing the marriage of Nisha with Haridutt @ Bholu since deceased. It is further alleged that the complainant showed his inability to give the demanded

amount to the accused and her daughter. Thereafter, accused and his daughter harassed and threatened the son of complainant and also forced for marriage. On 29.03.2019, the son of complainant namely Haridutt alias Bholu committed suicide by consuming poison. Prayer has been made for taking legal action against the accused and co-accused.”

Learned counsel for the petitioner has argued that the victim (Haridutt @ Bholu) knew the petitioner's daughter and was keen to marry her. According to him, since the relationship/proposal did not mature, he voluntarily ended his life. He has pointed out the attention of the Court to the suicide note left behind by the victim, wherein his relation with the daughter of the petitioner is mentioned along with the fact that he ended his life on his own. He submits that the investigation of the case is complete, therefore, further detention of the petitioner may not be necessary and prays for bail.

On the other hand, the prayer is opposed by learned State counsel assisted by learned counsel for the complainant, on the ground that the offence is serious and the petitioner being father of the said girl compelled the victim to end his life. According to him, they demanded ₹5,00,000/- from the victim and he was pressurised, however, it is not disputed by learned State counsel that the investigation of the case is complete, as the final report stands filed on 16.03.2021.

After hearing learned counsel for the petitioner, this Court finds that though the investigation of the case is complete, but the trial is yet to commence and it likely to take considerable time to conclude, therefore, the further detention of the petitioner behind the bars may not serve any useful purpose, who is confined in judicial custody after his arrest on 11.02.2021.

The material witnesses in the case are either the complainant, his relatives

or the police officials and there does not seem to be any possibility of their being won over.

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/Duty Magistrate Faridabad.

The petition is allowed.

01.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No