

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

213

CRM-M-18392-2021(O&M)
Date of Decision : August 06, 2021

SONU

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. S.K.Garg Narwana, Sr. Advocate assisted by
Mr. Vishal Garg Narwana, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.227 dated 22.5.2020 under Sections 302 and 34 IPC, Police Station Civil Line, Jind, District Jind.

As per the FIR which was lodged on the basis of statement made by one Sonu that his sister was married with the petitioner about 12 years back. She has three children who are minor and since the marriage the petitioner did not like his sister and even the mother of the husband of his sister used to beat her and abuse her on the pretext that they will bring some more beautiful daughter-in-law than her. Many times panchayat were convened and on 21.05.2020 beatings were given to his sister and the compromise was also arrived at with the intervention of panchayat

and then on 22.05.2020 at about 4 a.m. an information was received that his sister has been hanged. When they reached there, they saw the sister was hanged through chunni with a ceiling fan of the room of her house and there was injury mark on head, nose, ears, neck, chin, both elbows, left foot etc. on the body.

Mr. Narwana, Senior counsel assisted by Mr. Vishal Garg, Advocate has submitted that it is a case where the petitioner has been falsely implicated. He has submitted that infact the wife of the petitioner was having illicit relationship with some other persons including some police officials and they were planning to kill the bed-ridden mother of the petitioner because she was objecting to the same. There was one audio recording in which the deceased wife of the petitioner was talking with some person/police official with regard to the same and also the fact that the mother of the petitioner was objecting to the activities. He has referred to para Nos.8 to 10 of the petition and argued that it was due to this aforesaid reason that those persons including some police officials who were having relationship with his wife wanted to kill the mother of the petitioner and this fact had come out in public and since the audio of the wife of the petitioner had come out in public, those persons had killed the wife of the petitioner as they had apprehension that she would disclose the names of those persons in public.

On the basis of the averments made by the petitioner in para Nos.8 to 10 the State had sought time to file affidavit so that the Court may be assisted in a proper manner.

An affidavit has been filed by the Superintendent of Police,

Jind, dated 02.08.2021 through email since the matter is being taken up through video conferencing. A printout of the same is directed to be taken on record.

Learned Senior counsel has further argued that the investigation of the case is already complete and the challan stands presented and the petitioner is in custody since 23.05.2020 which is more than one year. He has submitted that the petitioner is not involved in any other case and he has three minor children including two daughters and bed-ridden mother and no recovery is to be made from the petitioner and therefore, he may be considered for the grant of regular bail. He has further submitted that a perusal of the affidavit filed by the State would show that the audio recording of the mobile phone was already with the police at the time of investigation but the transcript of the same has not been attached with the challan which was presented under Section 173 Cr.P.C. deliberately in order to protect some police officials because some police officials were named in the audio. He has submitted that although the police had sought permission from the Court for further investigation but it would be evident from the conduct of the police that the petitioner was not involved in this case. He has further submitted that even as per the contents of the affidavit filed by the State the imputations in the audio conversation were cast on the DSP and the inquiry was entrusted to another DSP of the same rank which was not proper.

On the other hand, Mr. Panwar, learned DAG, Haryana has submitted that so far as the custody period of the petitioner is concerned, the same is not in dispute and it is also not in dispute that the

investigation of the case is already complete and the challan has been presented and no recovery is to be made from the petitioner. While referring to the affidavit filed by the State has stated that although there was an audio clip available with police and the same was sent to the Cyber Forensic Laboratory, Panchkula and from the report it came to light that the conversation was between one female and one Anil and the phone numbers had also been identified and the folder where the audio was recorded named as 'Sonu Meena call recording' which is of total duration of 2 minutes and 48 seconds. It is further stated in the affidavit that the main caller is identified as Anil Kumar son of Kehar Singh who is a civilian and not a policeman. Nevertheless the audio and its transcript establishes the conversation demanding sexual favour from the female caller to one DSP. Thereafter, an inquiry has been entrusted to DSP District Jind in this regard. He has submitted that the police has again sought permission from the trial Court for conducting further investigation. However, learned State counsel has not disputed that the transcript of the audio was not a part of the challan.

I have heard learned counsels for the parties.

The investigation of the case is already complete and no recovery is to be made from the petitioner and he is in custody for more than one year. In the affidavit filed by the State as well as the arguments raised by the learned State counsel it has been stated that in case the petitioner is granted concession of regular bail then there is possibility of violation of terms and conditions of bail and bonds which cannot be ruled out. However, there is neither on the record nor the arguments raised by

the learned State counsel that there is any material to show that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice. Moreover, the trial of the case may take long time.

Therefore, considering the totality of circumstances of the present case, I deem it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

August 06, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No