

CRM-M-32626-2021

Date of Decision: 10.9.2021

Baldev Sharma

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vivek Goyal, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Mr. Ashutosh Gupta, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.41 dated 21.1.2021 under Sections 406, 498-A, 306, 354, 376, 511 IPC (lateron added Section 120-B and 201 IPC) registered at Police Station Shahbad, District Kurukshetra.

It has been contended by learned counsel for the petitioner that the present case is nothing but heartless attitude of the complainant in implicating the father for the death of his son. He has contended that the complainant, Ritu is daughter-in-law of the petitioner. The complainant has lodged the present FIR on the allegations that her marriage took place on 4.11.2011 with Mahesh Kumar i.e. the son of the petitioner. It has been alleged that soon after the marriage, she was being harassed by demanding dowry and her husband has never relished the behaviour of his parents. However, his parents and brother went on unabated and kept on torturing her husband. It is alleged that on 6.11.2020, he was beaten by the parents

and being finally dejected, he committed suicide by consuming poison. It has been further alleged that soon after the death of her husband, she was driven out of the matrimonial home. Besides this, the complainant has also raised allegation regarding outraging her modesty by the petitioner. In pursuance to the FIR, investigation commenced and the petitioner, who is 56 years of age, was arrested on 28.4.2021. Learned counsel for the petitioner vehemently contends that the complainant taking benefit of critical conditions of the family has lodged the present FIR. He submits that the mother has been granted interim bail, whereas the present petitioner and the brother of the husband are behind bars. He further contends that the complainant has produced two suicide notes and the bare reading of the same would show that the deceased had implicated none. He contends that the parents used to live separately from the complainant and her deceased husband. As there was virtually no relations between both the families, there cannot be said to have been any interference caused by the in-laws in the family life of the complainant and her husband. Learned counsel for the petitioner further submits that the parents of the deceased have already faced trauma of death of their son and the complainant taking benefit of the same has added insult to the injury by registering the present FIR. In the facts and circumstances, no offence under Section 306 IPC is made out. He would submit that the investigation in this case is already complete and the petitioner deserves to be granted bail.

On the other hand, learned State counsel submits that the petitioner is behind bars since 28.4.2021. He further submits that the investigation in the case is complete and the challan already stands presented. The case is now fixed for framing of charges.

Learned counsel for the complainant vehemently opposes the contentions of learned counsel for the petitioner and submits that the petitioner has not only caused harassment to the deceased but he even outraged the modesty of the complainant. He further submits that the deceased was virtually thrown out of the house and there was threats of dis-inheriting the husband of the complainant from the ancestral property by the petitioner and faced with such circumstances, he ended his life.

I have heard learned counsel for the parties and perused the record.

There is no gainsaying that the case in hand has the peculiar facts and circumstances, where the father is suffering incarceration on the allegation of abetting suicide by his son. Whether the parents as alleged in the FIR were instigating the suicide is purely a question to be decided by the trial Court. From the facts and circumstances, it is evident that the investigation already stands completed and the petitioner is behind bars since 28.4.2021. The trial in the case would take some time in its final conclusion.

In the over all facts and circumstances of the case, I find that learned counsel for the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.9.2021
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No