

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(206)

1. CRM-M-20065-2021(O&M)

Date of Decision: 08.04.2022

Dalbir Singh @ Pappu

--Petitioner

Versus

State of Haryana

--Respondent

2. CRM-M-19992-2021(O&M)

Arjun

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Mor, Advocate for the petitioner in
CRM-M-20065-2021.

Mr. Aditya Sanghi, Advocate with
Mr. Ashwani Bhardwaj, Advocate for
the petitioner in CRM-M-19992-2021.

Mr. B.S. Virk, D.A.G., Haryana with
IO Inspector Ravinder Kumar.

Mr. Ramnish Puri, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

This common order shall dispose of the aforementioned two petitions as the same have arisen out of the same FIR.

The present petitions have been filed under Section 439 Cr.P.C for grant of regular bail to the petitioners in FIR No.001 dated 1.1.2021 registered under Sections 306, 354-A, 34 IPC (section 212 IPC was added later on) at Police Station, Uchana, district Jind.

As per facts of the case, present FIR was lodged by Dinesh son of Chander Bhan. It was alleged in the FIR that complainant was married with Bhateri Devi daughter of Raj Kumar i.e. the deceased. She was employed in SDM Office, Uchana as Computer Operator for the last about six years. As per the allegations, the deceased informed the complainant

husband that she was being harassed by staff members as they wanted the deceased to do some wrong work. On her refusal she was threatened. On 28.12.2020 he had gone to Hisar in search of work and under stress his wife telephonically informed him that Bharat Bhushan (Junior Programmer), Sukhdev MTS, Arjun MTS, Atul DEO, Parveen Clerk, Manu Sheokan DEO and one outsider Dalbir Singh Gill @ Pappu, Balkar Ghaso Khurd, Deepa typist, Tarsem Typist etc. are harassing her at the instance of SDM Rajesh Koth and they had tampered with her computer. The staff members used to make obscene gestures/act towards her. Thereafter, complainant got a phone call from his daughter that his wife had consumed some poisonous substance and is lying unconscious. On his reaching home, he found his wife dead. It was alleged that his wife was forced to die by all the above named persons of her office. A request was made to take legal actions against the culprits. On the next day a suicide note was found lying under the pillow and the same was taken into custody by the investigating agency.

The investigation commenced and both the petitioners were arrested on 6.2.2021 and 16.1.2021. The petitioners approached learned Addl. Sessions Judge, Jind for grant of bail, however, after hearing the parties, the same was declined vide orders dated 20.4.2021 and 15.4.2021 respectively. Aggrieved by the same petitioners have approached this court for grant of bail.

Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated in the present FIR. It is submitted that the main plank of the case of the prosecution is the recovery of the suicide note. It has been submitted that the recovery of the suicide note is after the date of occurrence and produced

by the complainant side only and hence there is every chance that the same is manipulated and thus the same cannot be a conclusive evidence for the prosecution of the petitioners. It is contended that the ingredients for the offence under Section 107 IPC are not made out. Hence offence under Section 306 IPC is not made out against the petitioners. Counsel submit that in all there were 12 accused named in the suicide note, however, the petitioners are languishing in jail for the last about one year, whereas some of the co-accused have not even been arrested by the investigating agency. It is submitted that the tainted investigation is apparent from the conduct of the prosecution. They submit that now the investigation is complete, challan already stands presented and the Trial Court has taken cognizance of the offence. The petitioners are the govt. officials and have never been involved in any other offence and their antecedents are impeccable. It is submitted that in the overall facts and circumstances of the case, both the petitioners deserve to be enlarged on bail as there cannot be any apprehension projected by the prosecution for tampering with the investigation.

Learned counsel for the complainant has opposed the submissions made by counsel for the petitioners. He submits that the suicide note is an authenticated one and is proved from the very fact that the same was sent for forensic examination in FSL for matching with the handwriting of the deceased and after receipt of the report from FSL it has been found that the same was written by the deceased. It is further submitted that both the petitioners were duly named in the suicide note and there were specific allegations made against them. It is submitted that the petitioners have instigated the deceased for committing suicide and thus

they have been rightly prosecuted for the offence under Section 306 IPC.

On the other hand learned State counsel, who is being assisted by the IO Inspector Ravinder Kumar has also opposed the submissions made by counsel for petitioners. He submits that in all there were 12 accused in the suicide note and the 13th one was booked under Section 212 IPC. On conclusion of the investigation 6 of the co-accused have been exonerated by the investigating agency and as on date there are 7 accused. It is further submitted that challan has been presented against all the 7 accused persons. He further submits that after framing of the charges even the examination-in-chief of the complainant has been recorded by the learned Trial Court and on the basis of the same the prosecution has filed application under Section 319 Cr.P.C for summoning other accused.

I have heard learned counsel for the parties at length and have gone through the record carefully.

From the arguments advanced by counsel for the parties, it is inferred that in all there are 13 accused out of which 6 have been exonerated and the challan stands presented against 7 accused. Both the petitioners have completed more than a year behind the bars. The challan qua them already stands presented and charges have been framed. As per the information provided, petitioners are not involved in any other case of the similar nature. The veracity of the allegations levelled in the FIR and that in the suicide note would be assessed only after appreciation of the evidence to be led before the Trial Court. The prosecution has now resorted to the summoning of the rest of the accused persons by filing an application under Section 319 Cr.P.C, however, the same cannot have any bearing on the pleas made by counsel for the petitiones for grant of bail. In the overall

facts and circumstances of the case, this Court finds that counsel for petitioners succeed in making out a case for grant of bail to the petitioners.

In the totality of facts and circumstances and without making any observation on merits, present petitions are allowed. Petitioners namely Dalbir Singh @ Pappu and Arjun be enlarged on bail on their furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

08.04.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No