

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

CRM-M-27917-2021

Date of Decision: 12.12.2022

Balraj @ Balram

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Gahlawat, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, Asstt. Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.504 dated 23.08.2018, registered under Sections 306, 376(2)(n), 376-D, 120-B IPC and Section 67 of the IT Act, at Police Station Safidon, District Jind.

As per factual matrix of the case, the complaint was lodged by the father of the deceased, wherein, it was alleged that his daughter (name concealed) was studying in BA 3rd. On 23.08.2018, her daughter consumed celphos tablet and told him that Ravi, Balram and Poonam clicked her photographs and sent on the mobile phone of Ravi and Balram. It was alleged that the deceased used to be threatened by them, by making her photographs viral. It was further alleged that Ravi and Balram had committed rape upon her daughter number of times. It was also alleged that his daughter left behind a suicide note. The complainant rushed to the Government Hospital, Safidon taking his daughter for treatment and she was referred to PGIMS Rohtak, however, during the treatment, she died.

The suicide note was produced before the Investigating Agency. Request

was made to take legal action against Ravi, Balram and Poonam, who were the responsible for the death of his daughter. On the basis of the complainant, formal FIR was lodged and the investigation commenced. Postmortem of the deceased was conducted. The Investigating Agency took the suicide note left by the deceased into their custody and sent the same to the FSL. The petitioner was arrested on 23.08.2018. He approached the Court of learned Addl. Sessions Judge, Jind for grant of bail, who, after hearing the parties, declined the same vide order dated 08.09.2020. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated by the father of the deceased in this case. He has submitted that the deceased was of the age of the majority and she was in consensual relationship with co-accused Ravi, which was not acceptable to the complainant-father. He submits that after coming to know the relationship of the deceased with Ravi, the complainant got infuriated and it was the father himself who compelled the deceased to consume poison and thus, it was a case of honour killing. He submits that later on it was given a different colour and the petitioner and the co-accused were implicated in this case by the complainant himself. He submits that death of the deceased had taken place in the parental home and the postmortem report would reveal that there were injuries on the person of deceased, which were not explained by the complainant. He submits that the alleged suicide note is also a manufactured piece of evidence created by the complainant himself in order to save his skin. The counsel has further submitted that in all there are three accused

and co-accused Poonam has already been granted bail by this Court. He submits that the petitioner is behind bars since last more than four years. He submits that till date the prosecution has not been able to conclude the trial and the long pendency of the trial itself is blatant violation of the valuable right of the petitioner of the speedy trial. The counsel for the petitioner submits that the petitioner has no criminal antecedents and the material witnesses already stands examined and thus, he is not in a position to influence the prosecution witnesses. He submits that keeping in view the overall facts and circumstances, the petitioner deserves to be granted bail.

Per contra, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that there are specific allegations against the petitioner and the co-accused not only in the FIR, however, the suicide note, which was recovered, also discloses the complicity of the petitioner. He has submitted that the Investigating Agency sent the suicide note to FSL and the handwriting on the suicide note has been matched with the handwriting of the deceased. He has submitted that after postmortem, cause of death has been opined as, death due to poisoning. He has submitted that out of total 20 prosecution witnesses, 13 witnesses have already been examined. He further submits that as per instructions, the petitioner is not involved in any other case, except the present case.

Heard.

Evidently, the petitioner is behind bars since 23.08.2018. The FIR has been lodged by the father of the deceased. Out of total 20 prosecution witnesses, 13 witnesses including the complainant stand examined. There is nothing on record to show that the petitioner has any

criminal antecedents. This Court cannot shut its eyes to the fact that the petitioner is behind bars for the last more than four years and till date the prosecution has examined only 13 witnesses out of 20 witnesses. The veracity of the allegations would be evaluated by the trial Court only after appreciation of the complete evidence led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

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

12.12.2022

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