

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27970-2021 (O&M)
Date of Decision:- 26.7.2022

Moman @ Joginder @ Maman ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Dev Sharma, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by DSP Priyanshu Deewan.

Mr. G.S.Sandhu, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 526, dated 27.10.2019, Police Station HTM, District Hisar, under Sections 306, 195-A, 34 IPC and Section 3(2)(v), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The FIR was lodged at the instance of Manju (sister of deceased) wherein it is alleged that she along with her brother (deceased) had been residing in rented accommodation at Hisar since the last about

one month. It is alleged that about an year back her brother went to the fields of Maman, where Maman established un-natural relations with her brother and also threatened to kill him and abused him in the name of his caste and in respect of which FIR was lodged against Maman by complainant's brother Harender. It is further stated therein that in December, 2018 Jorawar a cousin of Maman gave beatings to her brother and another FIR was lodged. Complainant's brother used to remain mentally disturbed on account of the unnatural relationship. On 26.10.2019, when the complainant went to her village Saharwa, and had called up the landlord so as to talk to her brother Harender, the landlord informed that the door of the room had been bolted from inside. When the landlord's son saw through a window, complainant's brother was found hanging from a ceiling fan. It is alleged that Harender had committed suicide and that Maman, Prem, Badshah, Satish, Phool Singh and 3/4 other boys were responsible for the same.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the petitioner is nowhere named in the suicide note wherein the deceased had specifically named about 14 persons.
4. Learned counsel has further submitted that the petitioner has been behind bars for a substantial period of about 2 years and 9 months and since there is no evidence worth credence to connect him with

the alleged suicide or to show that he had ever abetted the commission of the same, he deserves the concession of bail.

5. On the other hand, learned State counsel assisted by learned counsel for complainant has submitted that the petitioner has specifically been named by the complainant's sister in the FIR and that the previous conduct of the accused inasmuch as a FIR for offence under Section 377 IPC was also lodged against him would clearly establish his complicity. It has been submitted that keeping in view the serious nature of allegation and the fact that the petitioner had been blackmailing the deceased, the same can very safely be said to constitute abetment to commit suicide and that as such the petitioner does not deserve the concession of bail. Learned State counsel has however, not disputed the fact that the petitioner has been behind bars since the last about 2 years and 9 months. It has also been informed that as on date only 2 out of the cited 16 PWs have been examined.
6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that the petitioner is specifically named in the FIR. However, his name is conspicuously missing in the suicide note wherein about 13/14 names have been written. Apart from the aforesaid factual position, this Court finds that the petitioner has been behind bars for a substantial period of 2 years and 9 months. Conclusion of trial is likely to consume time inasmuch as only 2 out of the cited 16 PWs have been examined so far. In these circumstances further detention of the petitioner will not serve any

useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

26.7.2022
mohan

(GURVINDER SINGH GILL)
JUDGE

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