

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

CRM-M-41074-2021 (O&M)
Date of Decision:- 7.12.2022

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Gurfateh Singh Sandhu, Advocate and
Mr. H.S. Deol, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana,
assisted by ASI Surender.

Mr. Gautam Dutt, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This is the fourth petition filed by the petitioner seeking grant of regular bail in respect of a case registered against him vide FIR No.595 dated 23.7.2019 at Police Station Bhiwani Sadar, District Bhiwani under Sections 148, 149, 323, 377 and 306 of Indian Penal Code.
2. The matter pertains to un-natural death of Renu, sister of Chattarpal. On 23.7.2019, pursuant to receipt of a telephonic intimation as regards death by hanging of Renu wife of Pardeep resident of Kalinga, ASI Ranbir Singh, Incharge Police Post, Kharak Kalan, accompanied by other police officials proceeded to the spot, where the dead body of Renu was found lying on floor. It came to be known that the dead-body had been taken down from where it was hung and had been taken to Bhiwani and had been brought back. The police officials waited for arrival of relatives of the deceased.

Upon arrival of deceased's brother namely Chattarpal from Tosham, the FIR was lodged on the basis of a written application submitted by him.

3. The complainant Chhatarpal, alleged in the FIR that marriage of his sister Renu was solemnized in the year 2011 with Pardeep. However, his sister was continuously tortured physically and mentally and harassed by Pardeep and other members of his family. Demands of dowry were allegedly raised and she was given beatings and thrown out of matrimonial home and on account of which one FIR for offence under Sections 498-A IPC etc. was lodged and another complaint under provisions of Domestic Violence Act, 2005 was also instituted. However, later the matter was later compromised and Renu was sent back to her matrimonial home in Kalinga. It is further alleged therein that Renu had disclosed that her husband even forced her to have unnatural sex with him. The complainant further alleged that when deceased had joined her husband Pardeep at his place of posting in ITBP, he had given beatings to her and entered house of Commandant in naked condition resultantly the Commandant had deputed four ITBP officials to escort Renu (deceased) back to Bhiwani. It is alleged that her husband Pardeep had illicit relations with one Dimple who had played a pivotal role in the entire incident. The complainant alleged that his sister had been given merciless beatings and blood had oozed out and she had been hanged.
4. Based on aforesaid allegations, the FIR was lodged for various offences including offence under Section 302 IPC. Post-mortem was got conducted on the same day by a Board of Doctors at General Hospital, Bhiwani. However, cause of death was not declared immediately in Post Mortem Report (Annexure R-1) for want of viscera report. A team of Mobile

Forensic Science Unit (MFSU) was also called at the spot, which examined the spot on 23.7.2019 itself and recorded its "Crime Scene Visit Report" (Annexure R-2). Upon request of the complainant, the investigation was handed over to CIA Staff, Bhiwani. Subsequently, upon receipt of viscera report, report of FSL and Histopathological Report, the Board of Doctors vide its report dated 20.9.2019 (Annexure R-3) declared the cause of death to be Asphyxia due to hanging. Upon conclusion of investigation, a challan has been presented against accused Pardeep Kumar on 23.9.2019 for various offences under Sections 306, 377, 323 IPC, while offence under Section 302 IPC has been deleted. Charges for the said offences are also stated to have been framed against accused Pardeep by trial Court on 14.11.2019.

5. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the petitioner cannot be connected with the alleged suicide in any manner and that infact as many as eight other accused have already been given clean chit during investigation. It has further been submitted that the petitioner has been behind bars since the last more than 3 years and since trial is still at its initial stage, no useful purpose would be served by further detaining the petitioner behind bars.
6. Opposing the petition, the learned State counsel, assisted by counsel for the complainant, has submitted that since the petitioner, being husband of the deceased, is the main accused and there are specific allegations qua the petitioner, he does not deserve the concession of bail. It has, however, been informed that the petitioner, as on date, has been behind bars since the last more than 3 years and that as on date only 2 PWs have been examined and 3 PWs have been given up out of the cited 26 PWs. It has also been informed that the petitioner otherwise is not involved in any other case.

7. This Court has considered the rival submissions.
8. It is not in dispute that the petitioner, being husband of the deceased would be the main accused against whom specific allegations have been levelled. However, this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of more than 3 years and that conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 26 PWs have been examined till date. The petitioner, otherwise, has a clean record and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose.
9. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
10. The trial Court is directed to take necessary steps so as to ensure that the complainant is examined at the earliest.
11. The petitioner is directed to ensure that the complainant or other eye-witnesses are not intimidated or pressurized in any manner. In case, it is found that the petitioner has indulged in any such act, it shall be open to the prosecution/complainant to move an application for cancellation of bail.

7.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No