

CRM-M-38861-2022

Date of Decision: 12.09.2022

MAHIPAL

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Dahiya, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking regular bail in case bearing FIR No. 67 dated 02.10.2021 under Section 306 IPC, registered at Police Station GRP Panipat, District GRP Ambala Cantt.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the allegations that marriage of the deceased was solemnized about 27/28 years ago with Madan Lal and two children were born from the wedlock. Madan Lal, the husband of the deceased had passed away about 7/8 years ago. The deceased had committed suicide by coming under the train at the instance of the petitioner.

Learned counsel for the petitioner contends that in fact, the brother and children of the deceased were suspecting her character and they had also given her beatings. They had manipulated the signatures of the deceased on a blank paper and on the basis thereof a false suicide note was prepared and also a complaint was submitted to the police authorities

against the petitioner. The petitioner is in custody for a period of 6 months and 27 days.

Learned State counsel has opposed the bail application on the score that the deceased had recorded a suicide note wherein it has been reflected that the petitioner is responsible for her death. She was abducted from the house and the petitioner had clicked her photograph. He used to blackmail her on the basis of such obscene photographs and has committed suicide on that score. It has also been stated that a day prior to the occurrence another FIR bearing No. 196 dated 01.10.2021 under Sections 376 (2)(n), 506 IPC was registered at Police Station Women, Panipat on the basis of the complaint submitted by the deceased.

In the instant case, the deceased had attributed allegations against the petitioner in the suicide note which prompted her to commit suicide and furthermore, a day prior to the occurrence, the deceased had also lodged an FIR with regard to commission of offence under Section 376 IPC against the petitioner which aggravates the gravity of allegations against him.

Faced with this situation, learned counsel for the petitioner submits that the statement of the prosecutrix was neither recorded nor she was medically examined in the case pertaining to the offence under Section 376 IPC.

In this regard, it may be mentioned here that on the following day of occurrence, the deceased had committed suicide on the abetment of the petitioner. It is significant to note that the FIR with regard to the offence under Section 376 (2)(n) has been registered only a day prior to the

occurrence and time period may be too short to thoroughly investigate the matter on account of unnatural death of the prosecutrix on the following day.

There are categoric allegations against the petitioner with respect to blackmailing the deceased on the basis of obscene photographs. Furthermore, at the instance of the deceased an FIR with respect to commission of offence under Section 376 IPC has also been registered against the petitioner, a day prior to the occurrence in the instant case.

Keeping in view the gravity of allegations and other circumstances emerging in the case, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

12.09.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No