

CRM-M-45270 of 2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-45270 of 2021
Date of decision:31.03.2022

Parmod

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashok Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.382 dated 11.07.2021 registered under Sections 306, 498-A, 506 of Indian Penal Code, 1860 at Police Station Shivaji Colony, District Rohtak (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of Devender on the allegation that his youngest sister, Seema was married to Parmod (present petitioner) in the year 2006 and two children, a daughter and a son, aged 14 years and 10 years, respectively were born out of the wedlock. It has been alleged that Parmod, who is addicted to liquor and does not have any regular job, has been harrasing Seema. Fed up with the maltreatment, she moved a complaint before the police as well as filed a case under the Protection of

Women from Domestic Violence Act, 2005 (hereinafter referred to as “DV Act”) against Parmod and his parents. A panchayat was convened and Seema went back to her parental home about 03 months back, but attitude of Parmod did not change, forcing her to commit suicide.

Counsel for the petitioner submits that it was 15 years old marriage and the deceased deserted the petitioner in the year 2019 left her children behind and besides the complaint under DV Act, she also instituted a petition seeking maintenance under Section 125 Cr.P.C. Counsel submits that with the intervention of the panchayat, a compromise was effected between the parties in February, 2021, Seema came back to her matrimonial home and withdrew the cases filed by her. Counsel has stressed on the fact that after Seema returned to her matrimonial home till the time she allegedly committed suicide on 11.07.2021, the couple had a smooth married life. It has been urged that the prosecution does not possess any incriminating material against the petitioner. An argument has been raised that ingredients of Section 107 IPC are not satisfied and offence under Section 306, IPC is not made out. Counsel submits that the petitioner, who has clean antecedents and is in custody since 11.07.2021, is no longer required for custodial interrogation as the trial has started and despite repeated summons, complainant is not stepping into the witness box.

Per contra, State counsel upon instructions from ASI Bindu Bala and by placing reliance on the reply filed by way of an affidavit of Additional Superintendent of Police, Rohtak submits that there is history of discord between the petitioner and the deceased. He submits that even after

the deceased came back to her maternal home, she suffered at the hands of the petitioner, though no material to this effect could be pointed out. As per his instructions, final report has been submitted on 31.08.2021 and charge has been framed on 12.11.2021, but none out of 20 prosecution witnesses, has been examined.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the crime would remain subject matter of debate before the Trial Court and the petitioner, who is in custody for more than 08 months and enjoys an unblemished past, would be entitled to be released on bail as the trial is likely to take time to conclude.

Without examining the arguments raised by counsel for the parties, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 31, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes