

141

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53515-2022 (O&M)

Date of Decision: 21.11.2022

NEELAM AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashish Gutpa, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Vikas Bishnoi, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 178 dated 10.06.2021, under Sections 304-B, 34 and 398-A of IPC, registered at Police Station Bawani Khera, District Bhiwani.

Learned counsel for the petitioners submits that an FIR was registered against petitioners apart from Anish (husband of the deceased) and Prem Lata (mother-in-law of the deceased). The police after completion of investigation filed its report under Section 173 Cr.P.C and found husband and mother-in-law guilty of commission of alleged offence whereas petitioners were found innocent. Dharamvir father of the deceased in his statement before learned Trial Court did not implicate present petitioners and even other witnesses did not implicate the present petitioners, however, at this stage vide order dated 10.08.2022, the

petitioners have been summoned under Section 319 Cr.P.C.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab and Mr. Vikas Bishnoi, Advocate on behalf of the complainant accept notice on behalf of respondent-State and complainant respectively.

Detention or arrest not only deprives a person from his fundamental right of personal liberty guaranteed by article 21 but also freedom guaranteed by article 19(1) of our Constitution. Life of every human being is most precious gift of God and everyone has very limited span of life which cannot be spoiled on account of incompetence, personal grudge, vengeance of someone; or brutal, illegal, unethical action of the State machinery. Except habitual offender, commoners living simple life after arrest lose self-respect and confidence within himself as well State. It has become very common to put criminal law in motion even though dispute involved is purely contractual or civil in nature. Many times arrest entails deprivation of source of income of entire family besides forever stigma in a closely knit society like ours. There is neither mechanism to compensate a man who is later on found innocent nor acquittal can return valuable time, energy, status, future of family members especially children which is lost on account of incarceration of bread earner of the family. Imprisonment before conviction is a sort of punishment especially when rate of conviction in our country is abysmally low.

It is undisputed fact that FIR was registered in 2021 and thereafter charges were framed on 13.11.2021. The petitioners during investigation were found innocent, thus, it would not be just and fair to

send the petitioners in custody.

In view of the above, the present petition is allowed. It is made clear that the petitioners shall join proceedings before Trial Court. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Allowed.

(JAGMOHAN BANSAL)
JUDGE

21.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>