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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4595-2023 (O&M)
Date of Decision: 26.04.2023

Mohd. Kaif

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anshul Baghla, Advocate, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Tushar Gautam, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a fifth petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.147 dated 18.06.2020, under Section 306 IPC, registered at Police Station Pinangwa, District Nuh.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 09.07.2020 and two witnesses have already been examined and since the trial of the case may take long time, the petitioner may be considered for grant of regular bail. He submitted that the petitioner has been falsely implicated on the basis of suspicion and the ingredients of Section 306 IPC are not fulfilled and therefore he may be considered for the grant of regular bail. He submitted that it is a case where the deceased girl had

committed suicide not because of the reason that the petitioner was harassing her but because of the reason that the father of the petitioner was not ready to marry the petitioner with the deceased girl with the result that she had committed suicide and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is case where as per the allegations contained in the FIR, a complaint was filed by the father of the deceased girl who was student of 10+2 class and had committed suicide by hanging in the room with the help of Chhunni. As per the allegations, the complainant was informed by his daughter about six months earlier that the petitioner used to follow her at the time of coming and going to school and used to see her with bad intention to which he told her that he will speak to the petitioner and will try to make the petitioner understand as the petitioner was in their relation. Thereafter the father of the petitioner tried to inform and make the petitioner understand the petitioner but he did not understand and the daughter of the complainant kept on complaining against the petitioner to the complainant. Even the brother of the complainant had also made calls to the petitioner to make him understand regarding which even call recordings are also available. For the last one month, the petitioner was also continuously giving threats to the complainant to the effect that he has got nude photographs and C.D of the deceased girl with him and he will put the same on the internet and it was because of this reason that the daughter of the complainant was under a lot of pressure and due to shame, she had stated to his wife many times that if this happens and her photographs are released on internet, then she will commit suicide. Thereafter on the night of

08.06.2020 when the petitioner came to their house and tried to open the gate which was locked, the mother of the complainant woke up and interrupted him and thereafter he ran away. However, at about 2.00 A.M in the morning the wife of the brother of the complainant woke up and she found that the deceased girl was not there and she immediately informed the wife of the complainant about the same. She saw that the door of the room was opened and the deceased girl was hanging with the help of a chunni which was tied on the other side of the roof. It has been further alleged in the FIR that thereafter on 16.06.2020, the petitioner came to the house of the complainant and also threatened that he has got lot of photographs and he will put them on the internet. The learned State counsel further submitted that it was because in order to avoid shame from the society that the girl had committed suicide because she was being threatened by the petitioner that he will post nude photographs of the deceased girl on the internet. She further submitted that it was a case of active incitement to the deceased girl to commit suicide by blackmailing her and there is every likelihood that in case the petitioner is released on bail, then he may influence the prosecution witnesses and therefore prayed for the dismissal of the present petition.

4. I have heard the learned counsel for the parties.

5. It is a case where although the petitioner is in custody from 09.07.2020 but the allegations against the petitioner are very severe and the gravity and magnitude of the case would disentitle the petitioner for grant of bail. Earlier also bail petitions of the petitioner have been dismissed on merits for three items. The apprehension expressed by the learned State counsel given

the facts and circumstances that there is reasonable apprehension that in case

the petitioner is released on bail, then he may abscond or may influence the witnesses carries weight and cannot be ignored.

6. Therefore considering the gravity of the offence, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

26.04.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No