

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-6431-2023

Date of Decision: 10.02.2023

Rajesh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. Gurmeet Kaur, Advocate for the petitioner.

Mr. Kirpal Singh, AAG, Haryana.

RAJESH BHARDWAJ.J (Oral)

This is the third petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.352 dated 10.6.2022 under sections 306 and 34 I.P.C, registered at Police Station, Sadar, District Bhiwani.

As per factual matrix, a complaint was lodged by Krishan Singh son of Swaroop Singh, wherein it was alleged that he married his daughter Seema with Sandeep son of Kanwarpal about 16 years ago. On 10.6.2022 he got a message on his mobile phone that his daughter had hanged herself. He established that his daughter Seema had conversation from mobile no.9467962978 and the conversation could have resulted in suicide by his daughter. Apart from this he also suspected that Sandeep, Kanwarpal, his wife, Kalu and his wife to be involved in the incident. A request was made to take legal action against the culprits.

On the basis of the complaint, present FIR was lodged and investigation commenced. On completion of investigation petitioner Rajesh was found to be involved and the challan was presented only against him.

Rest of the accused named in the FIR were found to be innocent. Petitioner was arrested on 24.8.2022. He approached the court of learned Addl. Sessions Judge, Bhiwani for grant of bail, however, after hearing the parties, the same was declined vide order dated 1.2.2023. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. She submits that petitioner is not even named in the FIR and the only allegation made in the FIR is that there was a conversation from mobile no. 9467962978 which could be cause of instigation of the daughter of the complainant for committing suicide. However, counsel submits that petitioner is 25 years of age, whereas the deceased was a married woman and had two children and thus both petitioner and deceased were of the age of majority. She submits that even if it is assumed that the petitioner and deceased were in some relationship that would be a consensual relationship which could not lead to the conclusion that the offence under section 306 IPC read with section 107 IPC is made out against the petitioner. It is submitted that petitioner has no criminal antecedents and in the facts and circumstances of the case he deserves to be enlarged on bail.

On the other hand, learned State counsel on instructions has submitted that during investigation it was established that mobile no. 9467962978 as mentioned in the FIR belonged to the petitioner. He also submits that during investigation Whatsapp chats and video calls between petitioner and deceased were also recovered showing that both of them were in a relationship. He submits that on account of the same petitioner instigated the deceased to commit suicide. It is also submitted that there are

total 25 prosecution witnesses out of which none has been examined by the Trial Court. It is submitted that petitioner has no criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, both petitioner and deceased were of the age of majority at the time of occurrence. Petitioner is not even named in the FIR. The only allegation made in the FIR is regarding Whatsapp chats and video calls from mobile phone no. 9467962978 which belongs to the petitioner. Whether the offence under section 306 IPC read with Section 107 IPC is made out against the petitioner or not would be decided by the learned Trial Court after appreciation of the evidence in accordance with law. There is nothing on record to show that petitioner has any criminal antecedents.

This court would refrain itself from commenting anything on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No