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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-8615-2023 (O & M)****Date of decision: 13.03.2023**

Ram Singh

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDIPresent: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rohit Mittal, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0322 dated 02.09.2022 under Sections 346 IPC (Sections 306, 180 IPC added later on) registered at Police Station Sadar, Mohindergarh, District Mohindergarh.

2. The brief facts of the case are that on 02.09.2022, an application was received in the Police Station Sadar, Mahendergarh from one Yogita Yadav, daughter of Rohtash Yadav stating therein that her father had gone to the temple at 7.00 a.m. and had told her that after coming back from the temple, he would go to the Mahendergarh Court. When her father-Rohtash did not return home then they searched for him. Then their co-villager, namely, Ashok told them that at 9.00 a.m., he had seen her father going to the fields but they did not find him there also. Some unknown persons had kept concealed her father. Her father was wearing a blue colour lower, white

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colour T-shirt and bathroom sleepers. He was 6 feet tall, of colour white and had a round face.

From the contents of the application/complaint, an offence under Section 346 IPC was made out and the FIR No.332 dated 02.09.2022 under Section 346 IPC came to be registered at Police Station Sadar Mahendergarh.

3. After registration of the FIR, the initial investigation of the case was conducted by SI Chand Singh. He recorded the statements of the witnesses under Section 161 Cr.P.C. During investigation, on 03.09.2022, the body of Rohtash son of Indraj Singh was found hanging from a tree at Rajasthan. Proceedings under Section 174 Cr.P.C. were conducted by the Rajasthan Police and the post-mortem examination of the deceased was also conducted by them. The cause of death was stated to be Asphyxia due to Ante-mortem Hanging. Thereafter, on 04.11.2022, Section 306 IPC was added in this case. On 09.01.2023, Sunita Devi wife of Rohtash Yadav (deceased) appeared before the investigation agency and stated that on 22.08.2022, her husband-Rohtash had been abused by her Jeth (brother-in-law), namely, Ram Singh (petitioner) and a quarrel had taken place due to which injuries had been caused to Rohtash. A complaint in that regard had been lodged. Since there was a land dispute between her husband-Rohtash and the petitioner-Ram Singh, her Jeth, her husband had committed suicide on account of the harassment meted-out by the petitioner-Ram Singh.

Thereafter, on 14.01.2023, the statement of the complainant-Yogita Yadav was also recorded to the similar effect. She stated that Ram Singh (petitioner) had got transferred the share of the land of the deceased-Rohtash to his own name. On being asked to re-transfer it to the name of the

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deceased-Rohtash, Ram Singh refused to do so. She also placed on record the MLR, a copy of a compromise and C.D. recording dated 29.08.2022 pertaining to the conversation between the deceased-Rohtash and his son-Ghanshyam. Thereafter, on 14.01.2023, Section 346 IPC was deleted. The petitioner was arrested on 19.01.2023 and the report under Section 173 Cr.P.C. stands presented.

4. The learned counsel for the petitioner contends that the allegations levelled against the petitioner are completely baseless. The earlier occurrence where the petitioner is stated to have beaten the deceased was in August 2022. The deceased-Rohtash went missing on 02.09.2022 and the body was discovered on 03.09.2022. At no prior stage did the complainant or her family members level any allegation against the petitioner. There was no proximate link between the earlier occurrence of 22.08.2022 and the suicide on 02.09.2022. Therefore, the petitioner was entitled to the concession of bail, *moreso*, when he was a first-time offender and none of the 20 prosecution witnesses had been examined so far.

5. The learned counsel for the State, on the other hand, while referring to the Status report dated 03.03.2023 contends that the petitioner has been found to be responsible for the suicide of his brother. The nature of allegations levelled against him did not entitle the petitioner to the grant of bail.

6. The learned counsel for the complainant has raised similar arguments. He contends that the petitioner had caused beatings to the deceased on 22.08.2022 which subsequently led the deceased to commit suicide on 02.09.2022. Therefore, even though there was no suicide note,

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the petitioner was the root cause of the deceased committing suicide. Therefore, he was not entitled to the grant of bail.

7. I have heard the learned counsel for the parties.
8. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. The petitioner is a first-time offender. Undoubtedly, there is a dispute regarding the land pending between the parties. The petitioner is in custody since 19.01.2023 and none of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.
9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ram Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

March 13, 2023
sukhpreet

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