

208(3 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM-M-19087-2022 (O&M)

SURESH CHAND
...Petitioner

Versus

STATE OF HARYANA
...Respondent

(2) CRM-M-23269-2022 (O&M)

MADHU
...Petitioner

Versus

STATE OF HARYANA
...Respondent

(3) CRM-M-4786-2023 (O&M)
Date of decision : July 31st, 2023

DOLLY
...Petitioner

Versus

STATE OF HARYANA
...Respondent

CORAM: HON’BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner(s) (in all the three cases).

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J.

This order shall dispose of three petitions bearing
CRM-M-19087-2022 titled as “*Suresh Chand Versus State of Haryana*”
CRM-M-23269-2022 titled as “*Madhu Versus State of Haryana*” and

CRM-M-4786-2023 titled as “**Dolly Versus State of Haryana**” as all of them have emanated from common FIR.

2. Prayer in all these three petitions, filed under Section 439 of the Code of Criminal Procedure (for short `the Cr.P.C.), is for grant of regular bail to the petitioners namely, Suresh Chand, Madhu and Dolly, in case FIR No.345 dated 30.09.2021, under Section 306 read with Section 34 of the Indian Penal Code (for short `the IPC’), registered at Police Station Civil Line Sonapat, District Sonipat (Annexure P-1).

3. Separate status reports in all these three petitions have been filed by way of an affidavit of Sh. Virender Singh, HPS, Assistant Commissioner of Police, City, Sonapat, on behalf of respondent-State of Haryana, which are already on record on the respective case files.

4. Brief facts of the case are that Dolly (petitioner in **CRM-M-4786-2023**) is the daughter of Suresh Chand (petitioner in **CRM-M-19087-2022**) and Madhu (petitioner in **CRM-M-23269-2022**). The marriage of Dolly was solemnized with one Ankit (since deceased) in the year-2017. The afore-said case FIR was registered on the complaint of one Anil son of Ishwar Singh, alleging therein that they were five brothers: the eldest one is Rajesh and the one elder to him has already died. He stated that Manoj’s elder brother Dinesh’s son Ankit got married about 4/5 years back with Dolly daughter of Suresh Chand and from the said wedlock, one son (Yug) was born. It is alleged that after the marriage, Ankit’s-in-laws namely father-in-law (Suresh), mother-in-law (Madhu), brothers-in-law (Sachin and Amit) and Ankit’s wife namely, Dolly, used to pressurize his brother (Dinesh), sister-in-law (Brijesh) and Ankit without any reason. It was alleged that the afore-said accused persons along with Raju son of Ramu Bhatt and Pawan son of Tenny Bhatt, in connivance with

Vasiyan Lal, had made false complaints against his brother (Dinesh), sister-in-law (Brijesh) and Ankit at Police Station Women and other police posts etc. due to which, his brother (Dinesh), sister-in-law (Brijesh) and Ankit, were being troubled again and again by the afore-said accused persons and they were compelled to such an extent that they ended their lives by consuming poisonous substance. Accordingly, the strict was sought against the accused persons.

5. As per the status report, during investigation, inquest proceedings under Section 174 of the Cr.P.C were initiated and the postmortem on the dead bodies was also conducted. The place of occurrence is stated to have been inspected in the presence of FSL Team. Further, that on 30.09.2021 itself, Ankur son of Partap Singh (nephew of deceased Dinesh) produced one suicide note, bearing signatures of deceased Dinesh and Ankit; wherein, it was mentioned that after the marriage of Ankit with Dolly, she on the instigation of her parents, used to harass them on one pretext or the other. She used to threaten/pressurize them for committing suicide and also used to go to her parental house and did not return and such acts continued for a long. Accused-Dolly is stated to have returned to her matrimonial home; however, she did not mend her attitude and on petty matters, she used to abuse them. Her parents also stated to have send their persons to the in-laws' house of her daughter on several occasions, who had abused and threatened to kill them. It is further mentioned in the suicide note that when deceased Dinesh met accused Suresh, then he remained adamant of the demand of house for Ankit and Dolly, due to which, the deceased paid Rs.18,15,000/- to him by borrowing but neither the house was purchased nor the money was returned and as and when they demanded the money back, accused threatened to kill them. In

the suicide note, it is further mentioned that on 18.09.2021, deceased Dinesh had taken his wife (deceased Brijesh) to hospital when parents of Dolly (namely, Suresh and Madhu) along with 15-16 persons came to their house and called deceased Dinesh from the hospital and beat him up and locked his son (deceased-Ankit) inside the house and both Dinesh and Ankit, saved their lives by running from their house. Thereafter, accused on the basis of self-inflicted injuries on their heads, made complaint at police helpline No.112; whereupon, deceased-Ankit was arrested by the police.

6. It is mentioned in the status report that Dolly, acts only as per the wishes of her family members and the accused used to threaten to kill them on every petty matters. It is mentioned that being harassed by accused-persons, they (Dinesh, Ankit and Brijesh) committed suicide.

7. As per the status report, petitioners-accused Suresh Chand, Madhu and Dolly, were arrested on 16.10.2021 and they are stated to have suffered a disclosure statement admitting their guilt.

8. Petitioner namely, Suresh Chand, applied for regular bail before the Court of learned Additional Sessions Judge, Sangrur; however, the same was dismissed vide order dated 12.01.2022. Petitioner namely, Madhu, applied for regular bail before the Court of learned Additional Sessions Judge, Sonipat, however, the same was dismissed vide order dated 12.01.2022 and petitioner namely, Dolly applied for regular bail before the Court of learned Additional Sessions Judge, Sonipat; however, the same was dismissed vide order dated 12.01.2022.

9. All these three petitioners have now filed their respective petitions before this Court, by submitting that they are innocent and have falsely been implicated in the present case. It is submitted that the marriage of Dolly was solemnized with deceased Ankit in the year-2017 and

sufficient dowry was given at the time of marriage. However, after few months, Dolly was being harassed for bringing less dowry and she was being beaten by Ankit (deceased husband of Dolly) and his parents. Learned counsel for the petitioners submits that Dolly was thrown out of the matrimonial home; however, she was taken back with the intervention of the respectables but again on 17.09.2021, Dolly was beaten up badly and was asked to bring Rs.2 lacs else she will not be allowed to reside with them. It is submitted that when Dolly told this fact to her parents then they along with their relatives, went to the matrimonial house of Dolly to make them understand but they along with their other relatives were beaten up by the in-laws' family of Dolly; whereupon, the police helpline No.100 was called for help. It is submitted that subsequently, police came and medical of the petitioners and other injured was conducted and a complaint in that regard was also lodged. One complaint is also stated to have been submitted to the Office of Superintendent of Police, Sonipat on 27.09.2021 (Annexure P-2), which was forwarded to Police Station Civil Lines Sonipat and the husband (Ankit, since deceased) was arrested under Sections 107/151 Cr.P.C and DDR No.6 dated 28.09.2021 (Annexure P-3) was also recorded. Learned counsel for the petitioners submits that on the day of incident i.e. 30.09.2021, Dolly was called to the Police Station, Women Cell, Sonipat, for enquiry on her complaint and accordingly, the petitioners and other family members were present in the police station. Learned counsel for the petitioners further submits that the alleged suicide note itself reflects that there was a matrimonial dispute between the parties, which allegedly brought stress to the deceased persons, who committed suicide. It is submitted that even if the alleged suicide note and the case of the prosecution is taken at its face value, then also no offence under Section

306 of the IPC is made out against the petitioners. It is submitted that there has been no abetment on the part of the petitioners or any other family members as the petitioners had met the deceased on 18.09.2021 i.e. 12 days prior to their suicide. It is next submitted that nothing is to be recovered from the petitioners and the investigation in the case is complete. The challan stands presented in the Court against the petitioners on 10.12.2021 and even the charges have been framed on 26.04.2022. There are total 23 witnesses in the case, who are yet to be examined. It is thus contended that the trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioners behind bars for indefinite period. It is stated that the petitioners are ready to abide by any condition as may be imposed by this Court or by trial court, accordingly prayer for regular bail is made.

10. *Per contra*, learned State counsel has opposed the prayer of petitioners for grant of regular bail on the ground of seriousness and gravity of the offence. Learned State counsel has submitted that during interrogation, the petitioners have admitted their guilt. It is submitted that during investigation, the bank opening forms of deceased Dinesh and Ankit were obtained from Punjab National Bank and one application written by deceased Dinesh, having handwriting of deceased Dinesh in hindi language was produced by his daughter-Neha wife of Atma Ram. During investigation, the photographs of marriage and the case property i.e. suicide note left by deceased Dinesh Kumar and Ankit; their bank opening forms etc. were sent to FSL, Madhuban and the report is stated to be still awaited. He submitted that during investigation, statements of various witnesses were recorded and several persons were joined in the investigation and the facts of the case were verified by the then Incharge, CIA-II Staff, Sonipat.

It is not disputed that final report under Section 173 of the Cr.P.C. has been submitted in the Court against the petitioners on 10.12.2021 and charges were framed on 26.04.2022 under Section 306 read with Section 34 of the IPC and there are total 23 witnesses in this case, which are yet to be examined. It is also not disputed that the FSL report regarding viscera and handwriting in the suicide note, are still awaited. It is submitted that all facts were duly written in the suicide note left by the deceased Dinesh and Ankit; wherein specific role has been attributed to the petitioners. It is next submitted that the acts committed by the petitioners have led to loss of three lives, which is a serious offence and thus, they are not entitled to the concession of regular bail and in case, they are enlarged on bail then they might influence the witnesses. Accordingly, prayer for dismissal of all these three petitions has been made.

11. I have heard learned counsel for the parties and perused the paper books as well as the status reports filed by learned counsel for the respondent-State of Haryana, in all the above-said three petitions.

12. In this case, the petitioners were arrested on 16.10.2021. As per the status report, the challan stands presented in the Court against the petitioners on 10.12.2021 and even the charges have been framed on 26.04.2022. There are total 23 witnesses in the case, who are yet to be examined. The photographs of marriage and the case property i.e. suicide note left by deceased Dinesh Kumar and Ankit; their bank opening forms etc. were sent to FSL, Madhuban and the report is stated to be still awaited. Thus, the final conclusion of the trial will take some time.

13. So far as the apprehension expressed by learned State counsel that the witnesses could be influenced by petitioners, suffice it to state that in the event of any such conduct, the prosecution can always approach the

competent court for cancellation of their bail. Accordingly, it is observed that the State / Prosecuting Agency / State police shall be at liberty to observe the behaviour of the petitioners during bail period, and in case it feels that the petitioners are indulging in influencing any of the witnesses or tampering with the prosecution evidence in any manner or otherwise causing interference with the progress of trial, it shall be open for the State / Prosecuting Agency / State police to move the trial Court for cancellation of their bail, which shall be decided by the trial Court on merits.

14. In view of the above, the instant petition is allowed and petitioners namely, Suresh Chand (petitioner in **CRM-M-19087-2022**), Madhu (petitioner in **CRM-M-23269-2022**) and Dolly (petitioner in **CRM-M-4786-2023**) are ordered to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate / trial Court concerned.

15. However, before release, the concerned Station House Officer be informed and the petitioners shall inform the concerned Station House Officer about their address at which they intend to reside during the pendency of their respective case and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioners would furnish their telephone number to the concerned Station House Officer and would keep their mobile location on. Suresh Chand (petitioner in **CRM-M-19087-2022**) shall appear before the police station concerned on every alternate Monday till the conclusion of trial in this case.

16. In addition, the petitioners namely, Suresh Chand, Madhu and Dolly (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- (each) and deposit the same with the trial Court. The same

would be liable to be forfeited as per law, in case of absence of the petitioners from trial without sufficient cause.

17. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

18. These petitions are accordingly disposed of.

19. A photocopy of this order be placed on the files of other connected cases.

July 31st, 2023
gurpreet

(HARSH BUNGER)
JUDGE

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