

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-26213-2022

Date of decision : 21.02.2023

Dalip Singh @ Deepa

Petitioner

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Gaurav Bansal, Asstt. A.G., Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.456 dated 12.12.2021 registered under Section 346 of the Indian Penal Code, 1860 (to which Sections 306 and 34 of the IPC were added later on) at Police Station Sadar Fatehabad, District Fatehabad.

The above-said FIR was registered on the complaint made by Diwan Singh alleging that a dispute is going on between his son Baljeet Singh and his wife and a case between them is pending at Women Cell, Police Station Sadar Ratia. On 11.12.2021 at about 05:00 p.m. after leaving his 02 children at home, Baljeet Singh went somewhere on his motorcycle without telling anyone. They tried to trace him out at their own level but he was not found. During investigation, on 17.12.2021 it was informed that dead body of Baljeet

Singh has been discovered by his legal heirs and the same has been kept in the mortuary of Civil Hospital, Fatehabad. On this, ASI Krishan Kumar went to Civil Hospital and recorded supplementary statement of complainant-Diwan Singh whereby he has levelled allegations against the petitioner (who is father-in-law of his son), co-accused Bimla (wife of his son), Kulwinder Singh, Balwant Singh and Buta Singh for abetting his son Baljeet Singh to commit suicide.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of supplementary statement made by the complainant. No specific role has been attributed to the petitioner. In his supplementary statement complainant submits that on 11.12.2021 his son went to his in-laws house at Mehmada and he viral a video from his mobile No.82954-05050 wherein he stated that his wife had illicit relationship with one Butta Singh and his father-in-law (the petitioner), Kulwinder and Balwant Singh compel him to commit suicide. Since the dispute between the deceased and his wife-Bimla is pending in Women Cell, Ratia, the name of the petitioner and his daughter have been implicated in the present case. Co-accused Kulwinder Singh, Balwant Singh and Buta Singh have been declared innocent during investigation. The petitioner is in custody since 16.02.2022. Challan has been presented and charges have already been framed. However, no prosecution witness has been examined for far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 27.10.2022 and submits that the petitioner along with his daughter instigate the son of the complainant to commit suicide.

Custody certificate dated 20.02.2023 has also been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate the petitioner is in custody since last more than 01 year.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, role attributed to him and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Dalip Singh @ Deepa is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

21.02.2023
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(ASHOK KUMAR VERMA)
JUDGE

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