

CRM-M-46987-2023 (O & M)

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(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46987-2023 (O & M)
Date of Decision:28.11.2023

Davinder Kumar and ors.

... Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sajal Bansal, Advocate, for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.64 dated 17.07.2023 under Section 306 IPC registered at Police Station Basti Jodhewal, Ludhiana.

2. The present FIR came to be registered at the instance of Manoj Kumar who stated that his son Gitesh (deceased) was married to Meera Devi on 11.10.2021. He (deceased) and his wife-Meera Devi had differences because of which she (Meera Devi) went to her parental home on a number of occasions and Panchayats were convened on which she (Meera Devi) used to come back. On 17.12.2021, Meera Devi again left the matrimonial home after quarreling with his son (Gitesh) and got registered a case against him (Gitesh) and them (complainant family). Meera Devi, Davinder Kumar (petitioner No.1), Suman Devi (petitioner No.2), Deepika, Saurav Sharma @ Sourav Sharma @ Billa (petitioner No.3), Neetu Singh @ Babba, wife of

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Neetu and a lady officer Anita ASI used to threaten his son (Gitesh) to implicate him in a false case because of which Gitesh used to remain upset. On 16.07.2023, his son (Gitesh) committed suicide by hanging himself leaving behind a suicide note.

Pursuant to the registration of the FIR, his suicide note was also recovered (which has been sent for hand-writing analysis). As per the said suicide note purportedly written by the deceased, *“the petitioners alongwith other had got registered an FIR against him and his family members and were demanding an amount of Rs.10 lacs and on account of pressure, he had been left with no alternative but to commit suicide by hanging”*.

3. The learned counsel for the petitioners contends that the petitioners had been falsely implicated in the present case. The petitioner No.1-Davinder Kumar was the father-in-law, petitioner No.2-Suman was the mother-in-law and the petitioner No.3-Sourav was the brother-in-law of the deceased. The deceased-Gitesh and his family members including the complainant were harassing his wife-Meera Devi and her family members for dowry. Beatings had also been given to Meera Devi, by her husband-Gitesh (deceased). An FIR No.288 dated 25.05.2023 under Sections 323, 354, 406, 498-A and 506 IPC, Police Station Pinjore, Haryana had also been registered against Gitesh (deceased), his mother-Bholi Devi, Kunal and Sneh Lata. Meera Devi had made a number of complaints before the police authorities that her in-laws were not happy with her marriage with their son (late Gitesh). He further contends that merely taking recourse to legal proceedings against someone would not constitute abetment. As the petitioners were in custody

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since 22.07.2023, none of the 15 prosecution witnesses had been examined so far and they were the first-time offenders, they were entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioners alongwith their daughter-Meera Devi harassed deceased-Gitesh to such an extent that he committed suicide. The allegations in the FIR had been substantiated by the contents of the suicide note. Therefore, the petitioners were not entitled to the concession of bail. He, however, concedes that the petitioners were first-time offenders, in custody since 22.07.2023 and that none of the 15 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of trial. Admittedly, the petitioners are first-time offenders, in custody since 22.07.2023 and none of the 15 prosecution witnesses have been examined so far. In this situated, their further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners No.1 to 3, namely, Davinder Kumar, Suman and Sourav are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDG

November 28, 2023

sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:-

Yes/No