

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

CRM-M-57826-2023

Date of Decision:21.12.2023

Mahipal Singh

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Dr. Anmol Rattan Singh Sidhu, Sr. Advocate with
Mr. Sanjeev Kumar, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

Mr. Ranvijay Singh, Advocate for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the second petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.145 dated 14.05.2023 registered under Section 306 read with Section 34 of IPC, Police Station City, Mahendergarh.

2. The FIR in the present case was registered on the basis of the statement made by Manjesh Lata wife of Ashok Mahan and the same has been reproduced below:-

*“ To, the Hon'ble SHO Sahib, Police Station Mohendergarh.
Subject:Application for registration of F.I.R. against Mahi Pal son of Jagmal; Dhanpati wife of Jagmal; Jagmal son of Sardara Singh; Shakuntla wife of Mahi Pal, resident of Khera (Mohendergarh); Raju son of unknown (brother-in- law/Wife's brother of aforesaid Mahipal, resident of Faizabad), Investigating officer Ranbir and SHO, Police Station Sadar, Mohendergarh (Santosh Kumar). Sir, application is to the following effect. That I, Manjeshlata wife of Ashok Mahan, am permanent resident of Khera, District 23.4.2023, Mohendergarh. Some dispute took place between my husband Ashok Mahan and Mahi Pal Singh son of*

Jagmal Singh etc., regarding which my husband got registered a FIR No. 137 dated 28.4.2023 in Police Station Sadar, Mohendergarh, but, local police has not initiated any action on the aforesaid FIR, rather, after registration of false FIRS No. 0141 and 0142 dated 02.5.2023 against my husband, in connivance with aforesaid Mahi Pal etc., investigating officer Ranvir and SHO, Police station Sadar, Mohendergarh, started badly harassing my husband, regarding which my husband had also moved an application on 09.05.2023 before the Madam Deputy Commissioner of District for change of the investigating officer. Family of aforesaid Mahipal is of dreaded and criminal nature. Mahi Pal son of Jagmal; Dhan Pati wife of Jagmal; Jagmal son of Sardara Singh; Shakuntla wife of Mahi Pal, resident of Khera and Raju, brother- in-law/wife's brother of Mahi Pal, resident of Faizabad, used to come to our house with farsi (persian) and axe and are threaten to cut down our entire family into pieces and were asserting that they have bought the police. Law would not cause any harm to them and we will eliminate you, due to which my husband remains in great fear and was asking me time and again that it is better to die instead of such life and it is better that we should commit suicide, but, I persuaded that we should take help from law. When my husband came to join the investigation in the aforesaid cases/FIRs, then, investigating officer Ranvir and SHO Santosh Kumar obtained signatures of my husband on some papers without allowing him on read over the same and when my husband asked to read over the same, then, both of them gave beatings to my husband and insulted/humiliated him a lot. All these facts were disclosed to me by my husband before his demise. After that Vijay Kumar son of Raghbir Singh, village Khairana and Vikram Son of Ram Kishan, resident of Jadra also accompanied my husband to police station Mohendergarh, then, at that time also investigating officer Ranvir and SHO had badly harassed my husband and asked to enter into compromise with Mahi Pal etc., otherwise, you will be beaten up with shoes to such an extent that

you would not even dare to face the building of the police station. My husband has committed suicide being fed up with Mahi Pal etc. and due to harassment extended by Investigating officer (IO) and SHO, the reference of which has been made by my husband in suicide note. Aforesaid Mahi Pal son of Jagmal; Dhan Pati wife of Jagmal; Jagmal son of Sardara Singh; Shakuntla wife of Mahi Pal, resident of Khera; Raju (brother-in-law) of Mahi Pal, resident of Faizabad and investigating officer and SHO, P.S. Sadar, Mohendergarh are responsible for the death of my husband. Stern action against all these accused persons may be initiated. Sd/- Manjesh Lata, applicant. Manjesh Lata wife of Ashok Mahan, village Khera, District Mohendergarh. Mob.9350094354. Aadhar No.544526624550 dated 14.05.2023.”

3. Learned counsel for the petitioner submits that the petitioner had applied for grant of anticipatory bail before this Court, however, after arguing the petition at length, the petition was ordered to be withdrawn the petition from this Court on 04.07.2023. Thereafter, the petitioner approached the Hon’ble Supreme Court of India vide SLP No.8413/2023 and prayer of the petitioner was declined by the Hon’ble Supreme Court of India also. Learned counsel for the petitioner further submits that after the withdrawal of the petition from this Court on 04.07.2023, the petitioner had joined the investigation on 20.08.2023. He further contends that the all the family members of the petitioner had been found innocent, as per the status report filed by the police before the Court of Sessions Judge, Mahendergarh. He further submits that even no offence under Section 306 of IPC is made out against the present petitioner.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned State counsel on the ground that the first anticipatory bail petition of the petitioner was heard by this Court at length and

when this Court was not inclined the concession of anticipatory bail to the petitioner, his counsel had withdrawn the said petition on 04.07.2023. Against the said order, the present petitioner had filed SLP No.8413/2023 before the Hon’ble Supreme Court of India and had prayed for grant of anticipatory bail. However, the said petition was also dismissed by the Hon’ble Supreme Court of India. Once the prayer of the petitioner for anticipatory bail has been declined by the Hon’ble Supreme Court, this Court has no right to entertain the present petition.

5. Having heard learned counsel for the parties and perusing the record, this Court is of the considered opinion that there is no sufficient force in the submissions made by learned counsel for the petitioner. It is apparent that the petitioner is evading his arrest for the last several months. The petitioner had earlier filed a case bearing No. CRM-M-30022-2023 and the said petition was withdrawn by the present petitioner. Against the said order passed by this Court, the petitioner had approached the Hon’ble Supreme Court of India Vide SLP No.8413/2023, again the prayer was declined by the Hon’ble Supreme Court of India. Even no new grounds have been pleaded by the present petitioner in his petition. Certain imaginary grounds have been pleaded by the petitioner, just to mis-lead the Court.

6. Findings no merits, the present petition is ordered to be dismissed.

21.12.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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