

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

204

**CRM-M-19378 of 2024
DATE OF DECISION :- 26.04.2024**

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ravinder Bangar, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.357 dated 08.09.2023, registered for the offences punishable under Section 306 of IPC and later on Sections 66(c) & 66(D)(E) of Information Technology Act, 2000 have been added at Police Station Civil Line Kaithal, District Kaithal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Roshni wife of Amit Kumar R/o Shiv Nagar Chandana Gate Kaithal age about 40 years Mob. 7056345779 stated that I am a resident of the above mentioned address, I do cleaning work in houses for the last about 5 years and I am doing cleaning work in

the house of Lalit Mittal S/o Yogesh Chand R/o H.No 1220 Sec-19 II Hooda, Kaithal. Due to my ill health, today I sent my daughters Payal, age 18 years, and Aanchal, age 19 years sent to Lalit Mittal's house in the morning for cleaning at around 10.00 am, I received a call from Rajni w/o Lalit Mittal and told me on phone that your daughter Payal has closed the doors of the kitchen from the both sides of the house from inside and ended her life by hanging herself with her chunni from the fan, on which I along with my family members have reached to the spot and I have seen the dead body of my daughter hanging in the kitchen. My daughter Payal was very upset yesterday in the evening, she told me that Rajesh S/o Suraj R/o Shiv Nagar Kaithal has created my ID on the Instagram. My daughter was crying a lot tonight. My girl had told me that she will slap Rajesh for creating her ID and will close her ID. Rajesh has forced my daughter to commit suicide by creating her ID on the Instagram. My daughter has ended her life today due to fear of being defamed. Legal action should be taken against Rajesh.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.12.2023. Learned counsel for the petitioner has further argued that the offence under Section 306 of IPC is not made out against the petitioner from the factual matrix of the case. To buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgement of Hon'ble Supreme Court in Criminal Appeal No.3578 of 2023 titled as '***Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors.***', (***Neutral Citation No.2023 INSC1035***); relevant whereof reads as under:-

"9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of

such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.”

In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 25.04.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 10.12.2023 whereinafter investigation was carried out and challan stands presented on 07.03.2024. Total 23 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the offence of Section 306 of IPC is made out against the petitioner; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The petitioner is a young man aged 18 years with no criminal antecedents. As per the custody certificate dated 25.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for about 4 months and 15 days

& is not shown to be involved in any other case. In this view of the matter, learned counsel has prayed for grant of regular bail.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

26.04.2024
P.Singh

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