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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-22882-2023

Date of decision: 5th March, 2024

Satyawan @ Bittu

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Gill, Advocate for the petitioner.
Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
196	Ding, District Sirsa	147, 149, 302, 328, 452 of Indian Penal Code, 1860 (for short ‘IPC’) (After investigation Sections 147, 149, 302, 328, 452 of IPC stand deleted and Section 306, 34 has been added)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 13.10.2020, on the basis of statement recorded by the complainant Dalip Singh alleging therein that from the last 2-3 days, his neighbourer Chhabil son of Ram Chander had been harassing his family and himself. On 12.10.2020 at about 7:00 PM, Surrender @ Sonu and Shubham @ Vicky sons of Chhabil had a quarrel with his son Sushil at his shop. He alleged that at about 8:00 PM, when he reached his house, he found that his wife Sheetal to be crying and

on asking she disclosed that the abovenamed Chabeel, Surinder and Vicky alongwith their wives and Satbir, his wife Bittu and his son, entered inside their house and after forcefully catching hold of her they made her swallow celphas tablets. The complainant immediately made arrangement for an ambulance and got his wife admitted in the hospital, wherein she died during her treatment. He prayed for taking action against the culprits. On his statement, initially a case under Sections 147, 149, 302, 328 and 452 of IPC was registered. Investigation proceedings are initiated. Inquest proceedings and post mortem examination of the dead body was conducted.

3. As per further allegations, during investigation, the offences punishable under the aforementioned Sections were deleted and offence under Section 306 read with Section 34 of IPC were added as it was found on due verification that infact in the morning of 12.10.2022, a dispute had arisen between Surender and his brother Shubham and then both of them gone to the shop of the complainant wherein the sons of Dalip had inflicted injuries upon Surinder who was taken to hospital. The family of Surinder had also reacted and thrown stones on the close door of house of the Dalip and out of fear and pressure, the victim had consumed celphas tablets. During investigation, it was also found that it was the petitioner Satyawan @ Bittu and co-accused Shubham @ Vicky, who were actually involved in the entire incident. They were apprehended on 11.11.2020 and were joined into investigation. They suffered disclosure statement admitting their involvement in the subject crime. The remaining persons named in the FIR were not found involved in the occurrence, their names were deleted and

they had not been arrested and challaned. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner alongwith co-accused Shubham @ Vicky is facing trial for the commission of punishable under Section 306 of IPC.

4. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The entire prosecution story is false and infact, there was no abetement whatsoever on the part of the present petitioner and the co-accused to the suicide of the victim. The ingredients for commission of offence punishable under Sction 306 of IPC have not been made out. One of the material witnesses i.e. PW-5 Virender Singh has not supported the prosecution version. The other material witnesses have already been examined. There are no chances of the petitioner's intimidating the witnesses. Trial is likely to take time. No useful purpose would be served by his further detention in custody. Therefore, it is argued that the present petition deserves to be allowed.

5. *Per contra*, learned State counsel resisted the petition in terms of status report. It is submitted that the trial is at a fag end as fifteen witnesses already stand examined. The allegations against the petitioner are specific and serious in nature. The material witnesses have categorically deposed that the victim was forcibly ingested celphas tablet by the petitioner, co-accused and other persons named in the FIR. There are chances of the petitioner's fleeing, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the material placed on record.

7. As per the allegation as levelled in the FIR, which was registered on the basis of the statement recorded by complainant-Dalip Singh, his wife had informed him that she was forcibly ingested celphas tablet by the petitioners and their other family members who have not been arrested and challaned as accused. The petitioner has been charge-sheeted for commission of offence punishable under Section 306 of IPC and not under Section 302 of IPC. The statements of complainant and his son have been recorded before the trial Court and they are also alleged to have reiterated the version as given in the FIR to the effect that the celphas tablets have been forcibly administered to the victim. This Court for the purpose of deciding the bail petition, at this stage, cannot go into the question that it was a case of suicidal death or a homicidal death. It is for the trial Court to decide the same on the basis of evidence produced before it and it is also for the trial Court to consider the question that the petitioner had played any such role which had drawn the victim to commit suicide. The trial is at the fag end and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the nature of the subject offence, the quantum of sentence which the conviction may entail and the entire facts and circumstance of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]

JUDGE

5th March, 2024

Parveen Sharma

1. Whether speaking/ reasoned

2. Whether reportable

:

:

Yes / No

Yes / No