



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

**205**

**CRM M-25659 of 2024 (O&M)  
Date of Decision: 09.07.2024**

Mahipal Singh

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Aditya Sanghi, Advocate  
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 145 dated 14.05.2023 under Sections 306/34 IPC registered at Police Station City Mahendergarh, District Mahendergarh, Haryana.

2. The FIR in the present case was registered on the basis of the statement made by Manjesh Lata wife of Ashok Mahaan 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 to 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 contends that in the present case, the petitioner was arrested on 19.02.2024 and he is in custody for the last about 05 months. He further contends that after completion of the investigation, final report under Section 173 Cr.P.C. (Annexure P-3) has already been presented before the competent Court. Learned counsel for the petitioner contends that petitioner is well educated person and is posted as Principal in the Government Senior Secondary School. His son is posted in Indian Navy. Ashok, since deceased, was also closely related to the present petitioner and had committed suicide for some other reason and the petitioner was falsely involved in the criminal case. He further contends that a dispute relating to partition of land was pending between the petitioner and the complainant side. He further contends that there was a suicidal tendency in the family of the deceased and the elder brother of the deceased had also committed suicide. Learned counsel further contends that in the present case, the allegations were also levelled against certain police officials, however, none of them has been challaned by the police and the petitioner has been made a scapegoat in the instant case. He further contends that no witness has been examined so far and the prosecution is yet to examine 32 witnesses in the instant case. Still further, while placing reliance on the law laid down in ***Sanju @ Sanjay Singh Sengar Vs. State of***

*Madhya Pradesh, 2002(2) RCR (Criminal) 687; Gurcharan Singh Vs. State of Punjab, 2017(1) RCR (Criminal) 118; M. Arjunam Vs. State represented by Its Inspector of Police, 2019(5) RCR (Criminal) 269* learned counsel for the petitioner contends that the essential ingredients of the offences under Section 306 IPC are clearly missing in the instant case.

4. On the other hand, learned State counsel has vehemently contended that the petitioner is also one of the main accused and in view of the gravity of the allegations, the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 19.02.2024 and is in custody for the last about 05 months. After completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented before the competent Court. The prosecution has placed reliance on 32 witnesses, who are yet to be examined and there are no chances of early conclusion of the trial in the instant case. Moreover, the petitioner is an educated person and is employed as Principal in the Government Senior Secondary School, so there are no chances of tampering with the prosecution evidence.

7. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the

petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

09.07.2024  
amit rana

( N.S.SHEKHAWAT)  
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No