

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27796 of 2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Surender Pal Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Choudhary, Advocate with
Mr. Hritik Gupta, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl.A.G. Haryana.

Mr. Baljeet Nain, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
292	15.12.2021	Bhuna, District Fatehabad	306 IPC, 1860

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 6 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	323	18.11.2022	Under sections 25, 54, 59 of Arms Act	Ratia, District Fatehabad

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that on 15.12.2021 ASI Kashmir Singh no. 513/H along with HC Rajpal Singh no. 34 were present in Fatehabad regarding some government works then they received a telephonic message from the police station that a brought dead Ruqqa of Nirmal Singh son of Ishwar Singh resident of Brahmaniwala, at present Bhuna is received in Police Station from the Civil Hospital Bhuna on which ASI



Kashmir Singh No. 513/H reached in Civil Hospital Bhuna where complainant Yadwinder son of Nirmal Singh resident of Gupta Colony Tohana at present residing at Sanchala Road Bhuna got recorded his statement to the effect that "he has 02 (two) sisters and he is married and only son of his parents. His father Nirmal Singh, aged about 50 years, disclosed to him several times that in 2008, he had lent a sum of Rs.04,50,000/- to Surender (present petitioner-accused Surender Pal Singh) son of Gulab Singh (who is son-in-law of Surajbhan, resident of village Devrala, District Bhiwani) and his wife Sudesh Chaudhary, at the responsibility of aforesaid Surajbhan and Dharmu wife of Pillu Fauji, resident of village Balran, Tehsil Moonak, Punjab and now they are not returning his said amount, despite repeated demands, nor said Surajbhan and Dharmu are returning his said amount, due to which he is very upset as he had given this money to them by selling his house and now he (Nirmal) himself has become homeless. Complainant further alleged that his father Nirmal Singh also disclosed to him that he had taken a sum of Rs. 03,00,000/- from one Mahipal and his brothers Raj and Lila, residents of Friends Colony, Kaithal, which he could not return due to lack of his own money and now said Mahipal and his brothers Raj and Lila are also harassing him for the same; and that about 01 (one) month ago, he had purchased two (02) buffaloes for a sum of Rs.1,00,000/- from one Tarsem Singh, resident of Raj Nagar, Kaithal but he (Nirmal) could not give said amount to said Tarsem due to lack of his own money and now said Tarsem is also harassing and threatening him, due to which he (Nirmal) has become upset. Complainant further alleged that aforesaid Dr. Surender, his wife Sudesh Chaudhary, Surajbhan; Dharmu, Mahipal, Raj, Lila and Tarsem had forced his father to die, due to which on that day i.e. 15.12.2021, at about 07.30 A.M., his had consumed some poisonous substance at home and thereafter, he along his mother Kamlesh got admitted his father in Government Hospital, Bhuna, where doctor declared his father dead. Complainant further alleged that his father committed suicide after being fed up due to harassment given by aforesaid persons and aforesaid persons are responsible for death of his father. Complainant further alleged that his father has made a video in his phone regarding ending his life. Complainant requested to take legal action against aforesaid accused persons. On the basis of above said statement of complainant, present FIR was registered under sections 306 read with section 34 of IPC against 1. Surender Pal Singh (present petitioner), 2. Sudesh Chaudhary, 3. Surajbhan, 4. Dharmu, 5. Mahipal, 6. Raj, 7. Leela and 8. Tarsem at Police Station Bhuna and investigation was carried out."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"16 That in the present case, on 15.12.2021, Nirmal, since deceased (father of complainant Yadwinder) committed suicide by consuming some poisonous substance. There are serious allegations against petitioner-accused Surender Pal Singh that petitioner abetted commission of said suicide as petitioner did not return lent amount of Rs.04,50,000/- to Nirmal, since deceased. Recovery of Rs. 2000/- was also effected from the petitioner-accused. Petitioner has been specifically named in the FIR. The facts of the present case clearly show that the petitioner was involved in the occurrence and grant of bail to the petitioner would also defeat the ends of justice. Testimony of complainant

and other material witnesses have not yet been recorded. In case petitioner-accused are granted concession of regular bail, then he may abscond from trial and may overawe prosecution witnesses.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 12 of the reply to the bail petition, the petitioner has been in custody since 29-03-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	
11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.



CRM-M-27796-2024

-4-

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.