

2024:PHHC:006581

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

214

CRM-M-32465-2023
Date of Decision: 18.01.2024

Amit @ Amit Parasher

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Ms. Mehak Sawhney, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, 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.236 dated 21.08.2022 (Annexure P-1) registered for the offences punishable under Sections 306/34 IPC, Sections 24, 54, 59 of the Arms Act, 1959 (later one changed to under Section 302 IPC and Section 27 of the Arms Act, 1959) at Police Station Civil Lines, District Jind.
2. The case set up in the FIR in question is as follows:-

“Statement of Jaibhagwan son of shri Munshiram caste Brahmin resident village Mena Thana Shivaji Colony Rohtak, aged 55 years Mobile No. 9992501972, has stated that I am resident of the aforestated address and I am doing work of agriculture and I have three children, eldest (daughter) Meenu, Inderjeet (son) and youngest Ankit (son). Meenu got married 12 years ago with Amit son of Rajender resident of Bhambewa present address House No. 4901 Sector 11 Jind, along with all the rights and rituals of marriage ceremony. Out of this marriage, my daughter Meenu who is 31 years of age had two sons:- elder Meet aged 9 and youngest son named Vivan aged 5. Yesterday on 20.08.2022 around 7:15/7:30 pm in the evening my daughter called me on

my telephone and she was crying and while crying she stated that my mother-in-law Kamla Devi, father- in -law Rajender and husband Amit are troubling me very much and I tried to console/make my daughter understand because prior to this 2-3 times before also there was some altercation and we used to console/make my daughter understand. Today on 21.08.2022 my nephew Mayank got a phone call from Amit around 8:24 am and who told my nephew that catastrophe has happened that your sister Meenu had shot herself with bullet from gun shot and my nephew told this incident to me and after getting this information we immediately went to Meenu's house and we found that Meenu's dead body/Laash was lying in the backside bathroom of the house and a lot of blood was oozing out. This accident is the result of meenu's mother-in-law kamla w/o Rajender, father-in-law Rajender and husband Amit s/o Rajender resident of Bhambewa present address House No. 4901 Sector 11 Jind harassment towards my daughter Meenu and strict legal action must be taken against them.”

3. Counsel for the petitioner has argued that all the material witnesses i.e. PW-1 (Jai Bhagwan-complainant), PW-2 (Mayank) & PW-3 (Sanjay) were declared hostile during the course of trial and accordingly have not supported the prosecution version. Learned counsel for the petitioner has submitted that in view of this, trial is not likely to culminate into conviction. It has been further argued by the learned counsel that the marriage between the petitioner and deceased-Meenu took place about 12 years ago and there has been no specific instances of harassment in this period. Thus, regular bail has been prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

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

6. After the accused having been arrested on 21.08.2022, challan was presented on 17.11.2022. Out of total 19 PWs cited in the challan, 07 already stands recorded. As per the custody certificate dated 17.01.2024, the petitioner has been in custody for more than 1 year and 4 months and he is not shown to be involved in any other case. The rival contentions of the parties regarding the effect of the material witnesses having turned hostile will be seen during the course of trial. This Court does not deem it appropriate to delve deep into these submissions at this stage lest it may prejudice the case of either of the parties. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner is not warranted.

7. In view of totality of factual matrix of the present case, the instant 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.

January 18, 2024
poonam

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No