

2024:PHHC:006631

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

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CRM-M-37285-2023 (O&M)
Date of Decision: 18.01.2024

Lalit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Ms. Mahima Yashpal, 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.424 dated 24.10.2022 (Annexure P-1) registered for the offences punishable under Sections 304-B IPC (Section 316 IPC added later on) at Police Station Rewari City @ City Rewari, District Rewari.

2. The case set up in the FIR in question is as follows:-

“The SHO Police Station City Rewari, Sir it is requested that I Sudhir Sharma son of Parbhot Chand, resident of Mohalla Sabzi Mandi, Jaspur, District Udham Singh Nagar, UK. One year back my daughter namely Pooja Sharma aged about 24 years, solemnized love marriage with Lalit son of Sher Singh resident of Nai Abadi Rewari she came to meet in the month of June and one week back Lalit took Pooja. That today information was received that Pooja fell from the terrace, thereupon alongwith my family reached at Rohtak where I found my daughter dead in the dead house. That we have moved an application to Women

Commission Kashipur that these persons used to give beating and abuses where at Kashipur Women Commission, Lalit made a writing that I am taking on my own responsibility and no further complaint would be there in near future. That we have suspicion that the our daughter has been pushed as off the Terrace. My daughter was 6 month pregnant therefore it is requested that justice be done to us and the same may be investigated in a fair manner SD Sudhir Sharma a applicant Sudhir Sharma son of Prabhot Chand resident Mohalla Sabzi Mandi Jaspur Mobile No.7456876822.”

3. Counsel for the petitioner has argued that the accused was arrested on 05.11.2022. Investigation was carried out & the trial is underway. It is argued that out of total 20 prosecution witnesses cited in the challan, 11 stand examined & 4 have been given up. Learned counsel for the petitioner has further relied upon a joint affidavit dated 14.07.2023 filed by Shubham Sharma (brother of the deceased) and Parul (sister of the deceased) to submit that the death of Pooja had taken place on account of her being under mental depression. 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. The accused is in custody since 05.11.2022 and as per the custody certificate dated 16.01.2024, he has suffered incarceration for a period of more than 01 year and 02 months and he is not shown to be involved in any other case. The rival contentions raised by the learned

counsel for the parties regarding the veracity and relevance of the joint affidavit of Shubham Sharma and Parul 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.

(SUMEET GOEL)
JUDGE

January 18, 2024
poonam

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>