



CRM-M-41568-2024
(207)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41568-2024
Date of Decision: 18.09.2024

RAVI KUMAR

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Randeep Singh, Advocate with
Mr. Gurvinder Singh for the petitioner.

Mr. Kuljit Singh, Addl. A.G., Punjab.

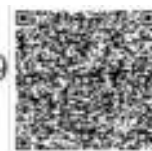
Mr. Ashok Tyagi, Advocate for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 of BNSS, 2023 is for the grant of regular bail in case bearing FIR No.0067 dated 16.05.2023 registered under Sections 306 and 34 IPC at Police Station Lalru, District SAS Nagar, Mohali.

2. The present FIR came to be registered at the instance of Dheer Singh son of Des Raj and the same reads as under:-

Statement of Dheer Singh son of Des Raj, resident of Village Koer, Police Station Nigdhu, District Karnal (Haryana) aged about 51 years, mobile no. 99918-57681, it is stated that I am resident of above said address. I do the agricultural work. I have two children, elder son is Rakesh Kumar aged about 32 years and younger to him is Naresh Kumar aged about 30 years. My elder son Rakesh Kumar was married, who had been working in Nutricia Factory, Sarsini for the last 09 years and about 04 days ago, he started residing at Lalru

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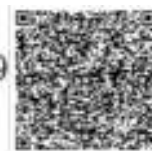
Mandi in the house of Harjit Singh son of Lal Singh, ward no. 05, Near Satsang Bhawan, Lalru Mandi. My son Rakesh Kumar was earlier married with Muskan daughter of Shri Pal, resident of Siamat about 04 years ago. Due to some reasons, marriage of Rakesh Kumar with Muskan was dissolved by way of divorce. Rakesh Kumar was not having any child from first marriage. Then Rakesh Kumar was again married with Priyanka Devi daughter of Shri Pal, resident of Bhaini Khurd, District Karnal about 01 year 04 month ago, then after 1 year from the marriage, Priyanka Devi started harassing my son Rakesh Kumar without any reason and many times she used to go to her parental house after quarrel. In this regard, our differences were sorted out with the intervention of relatives. But after some days, Priyanka used to start quarrel. In this regard, I told to Shr Pal father-in-law of my son, but Shri Pal used to blame my son. Then we all the family members decided to send Priyanka and Rakesh to Lalru Mandi, where she resided for the period of about 04 months. Then in the month of December, she went to her parental house at Bhaini Khurd after having quarreled with Rakesh Kumar. Then in the month of February, Priyanka along with her mother Sunita Devi and her brother Ravi and her father Shri Pal and Satpal Sharma son of Dharam Singh, resident of Karnal came to Rakesh Kumar at Lalru Mandi and went back after quarrelling and thrashing Rakesh Kumar and also taking her daughter with them. Then Priyanka got registered a case of dowry at Police Station Women Cell, Karnal against my son Rakesh Kumar and my wife Krishna Devi. After that Priyanka Devi took away 02 bed mattress (Bistre) and 04 tola golden ornaments from the room of Rakesh Kumar of Lalru Mandi. Then on 15.05.2023 at about 07.45 pm, I received a phone call from Amit Kumar son of Megh Raj, resident of Near Satsang Bhawan Beas, Lalru Mandi, who informed me to come to Lalru Mandi as there is

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an emergency. Upon which, I reached to the room of Rakesh Kumar at Lalru Mandi along with our relatives and saw that the door of the room of Rakesh Kumar was opened and Rakesh Kumar ended his life by hanging himself with muffler by attaching with fan. My son Rakesh Kumar ended his life being fed up from the harassment caused by the above said Shri Pal father-in-law, Ravi brother-in-law and Priyanka Devi wife and Sunita Devi mother-in-law, residents of Village Bhaini Khurd, District Karnal and the above said Satpal Sharma. Appropriate legal action may be taken against the above said persons. I have got recorded my statement to you and the same is correct. Sd/- Dheer Singh (in Hindi).

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Taking the allegations to be correct, no offence under Section 306 IPC was made out. In fact, an FIR for dowry harassment had been registered against the deceased at the instance of his wife Priyanka Devi, the sister of the petitioner and the petitioner had been implicated as a counter-blast to the said FIR No.31 dated 09.03.2023 under Sections 323, 498-A and 506 IPC, P.S. Women Police Station Karnal. As he was a first-time offender, in custody since 10.06.2023 and only 01 of the 13 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A reply dated 17.09.2024 has been filed on behalf of the complainant by the learned counsel for the complainant. The same is taken on record. The learned State counsel along with the learned counsel for the complainant contend that it was not a case of suicide but murder. There were

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two postmortem reports of the deceased which creates a doubt in the case of the prosecution. An application 319 Cr.P.C. had been moved to summon the accused who had been placed in Column No.2. Looking at the seriousness of the allegations, the petitioner was not entitled to the concession of bail. They, however, concede that the petitioner was a first-time offender, in custody since 10.06.2023 and only 01 of the 13 of the prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the charge in the present case has been framed only under Section 306 IPC. Whether or not any other offence is made out shall be adjudicated upon during the course of the Trial. The petitioner is a first-time offender, in custody since 10.06.2023 and only 01 of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this, situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Ravi Kumar son of Shri Pal is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.09.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No