

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45790-2023 (O&M)

Reserved on: 06.03.2024

Date of Decision:- 02.04.2024

CHHAJU RAM

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

Mr. Arvind Bansal, Advocate,
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 177 dated 13.06.2023, under Section 306 read with Section 34 of the IPC, registered at Police Station Sadar District Kaithal.
2. The petitioner is in custody since 13.06.2023 and the allegations against the petitioner are that he has abetted his daughter-in-law to commit suicide on 12.06.2023 at 01:00 a.m.
3. Learned counsel for the petitioner *inter alia* contends that the marriage of the son of the petitioner Balraj was solemnized with Paramjeet Kaur (since deceased) on 03.07.2010. The house of the petitioner was

divided in two parts in the year 2020 and a wall was constructed in between the two portions. The son of the petitioner Balraj along with his wife Paramjeet Kaur (since deceased) started residing in one portion whereas the petitioner and his wife started living in other portion of the house along with their other son Dilbag. In this regard, a reference has been made to the certificate issued by the Sarpanch of the Gram Panchayat Manas (Annexure P-1) and the site plan of the house made by the Architectural Engineer (Annexure P-2). Further reference has been made to the site plan prepared by the investigating officer (Annexure P-3). The scaled site plan annexed with the '*challan*' (Annexure P-4) and photographs of the house (Annexure P-5).

4. Counsel for the petitioner further contends that the Gas Connection Book, Family Identity Card, Ration Card and the Electricity Bill (Annexures P-6 to P-9) also shows that Balraj was having a separate house and kitchen. It is also contended that there are no allegations of harassment by the petitioner. He is the father-in-law of the deceased living separately and he is 74 years of age. He is ready to face the trial and prays for the concession of regular bail.

5. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. He submits that the petitioner does not deserve any leniency since earlier also the complaints were filed regarding maltreatment of the victim by the hands of her in-laws. Earlier also FIR No. 194, dated 14.08.2020, under Sections 323, 406 and 498-A was registered at Police Station Cheeka against the petitioner and other family members. The matter was compromised and FIR was cancelled on 02.09.2020 which was accepted by

the Sub-Divisional Judicial Magistrate, Gulha, vide order dated 17.08.2021. However, the State counsel has confirmed that the investigation is complete. As per the post-mortem examination conducted at Civil Hospital, Kaithal, on 13.06.2023 (Annexure R-1) and as per the Chemical Examiner's report (Annexure R-2), Aluminum Phosphide was found positive in the contents of the viscera parcels by the Chemical Examiner, Karnal. It is also confirmed that the petitioner is the father-in-law of the deceased and he is in custody since 13.06.2023. The final report against the petitioner and his co-accused Dilbag @ Bagga and Balraj has been submitted before the Ilacqua Magistrate on 10.08.2023. There are total 16 witnesses and none has been examined as yet. It is also confirmed in the status report that the petitioner is not involved in any other criminal case as per the verification.

6. Learned counsel appearing for the complainant also opposed the present petition while reiterating the averments made learned State counsel.

7. I have considered the aforesaid contentions and perused the paper-book.

8. As per the prosecution version, Paramjeet Kaur sister of the complainant Balwinder Singh got married to the son of the petitioner on 03.07.2010 and she was also blessed with a son whose age is about 12 years. After the marriage, the husband Balraj and the petitioner Chhaju Ram and other family members started harassing the sister of the complainant on account of dowry. His sister was also beaten up and her in-laws also attempted to kill her and in this regard many '*Panchayats*' were convened. The sister of the complainant resided at her parental home in

Village Thanewal for about 01 year. Thereafter, in March 2022, the victim filed a complaint at Women Police Station Kaithal and Police Station Cheeka. However, the matter was compromised with the intervention of the Panchayat on 10.05.2020. Despite that the petitioner along with the other family members started harassing the victim again and she moved a complaint to the CM window and to the Senior Superintendent of Police, Kaithal, upon which a case was registered at Police Station Cheeka. Again the '*Panchayats*' were convened and the matter was settled and the '*Panchayat*' took the responsibility, as such, the case was returned.

8.1. As per the prosecution version, on 11.06.2023, the complainant talked to her sister at about 12:20 p.m. and again at 02:30 p.m. and she informed him that she is being harassed by the petitioner and his family members. On the intervening night of 11.06.2023 and 12.06.2023 at about 01:00 a.m. the complainant received a telephonic information that the victim is admitted in Shah Hospital and on reaching the hospital he found that his sister died during treatment.

9. No doubt the allegations against the petitioner are very serious in nature. However, the petitioner is the father-in-law of the deceased. The matter is admittedly compromised in the year 2020 and it is the case of the petitioner that he had been separately residing in a separate portion of the house, whereas the deceased was separately residing along with her husband in a separate part of the house. As per the custody certificate, dated 30.01.2024, the petitioner is in custody since 13.06.2023. There is no other history of cases against the petitioner. The investigation is complete. The final report under Section 173 Cr.P.C. has already been filed. The allegations of abetment of suicide against the petitioner and the counter-

allegation of the petitioner are matter of trial. None of the witnesses have been examined yet. The petitioner is 74 years of age. The trial will take some time to conclude; and there is no apprehension of absconding of the petitioner during the trial. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety to the satisfaction of the trial Court/Duty Magistrate concerned and subject to the conditions to be laid by the trial Court.

11. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be taken into consideration by the learned trial Court wholly on the basis of evidence led/gathered before it.

12. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

April 02, 2024
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Whether Speaking	Yes
Whether Reportable	No