

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-61178-2023

Date of Decision: 08.02.2024

Jai Bhagwan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S. Mor, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 561 dated 15.12.2022 registered under Section 306 read with Section 34 IPC (Sections 498-A IPC added and Section 34 IPC deleted subsequently) at Police Station Sampla, District Rohtak.

The aforesaid FIR was registered on the basis of handwritten application moved by brother-in-law of the petitioner/brother of the deceased which reads as under:-

“xxx xxx xxx xxx

I Ravinder S/o Rohtash , is resident of Village Ahulana, Tehsil Ganaur, District Sonapat. Marriage of my sister Meenu was solemnized with Jai Bhagwan, Date of Birth 27.12.1993 Aadhar No. 648766559797. Marriage was solemnized with Jai Bhagwan R/o Atail, Tehsil Sampla, District Rohtak 11 years ago. After some years of marriage,

her husband Jai Bhagwan, his sister Ram Ratti who is married in village Gola, but at present residing at Delhi and one Santosh R/o Fatehpur Rahot also reside with her, Monu (Nephew/Bhanja) of Jai Bhagwan is resident of village Sisana used to harass and beat my sister and forced here to bring money. Jai Bhagwan and his sister used to beat her up on several occasions and made demand of dowry and Jai Bhagwan used to sexually harassed my sister. Last yer in May 2020, my sister telephonically informed us through a neighbourer that she was badly beaten up by her in-laws. After that I alongwith my father went to the house of my sister. When I was bringing my sister with me, Jai Bhagwan, his sister and nephew Monu started beating them. After that we at about 6:00 pm, went to the Police Station Sampla and moved a complaint against them in Women Police Station, Sonapat. Jai Bhagwan and Monu started threatening us and my sister started residing at out house. Jai Bhagwan and Monu threatened continuously to our family members. One day, Jain Bhagwan and his nephew Monu cam to our house and threatened my sister for her children and forcibly took her with them in their absence. After some days, my sister informed that her in-laws are beating her. After 2-3 days my sister came at hour house and disclosed all harassment made by her in-laws. My family members got her understand at our maximum, but despite of that she went to her parental house. Presently, we were informed telephonically time and again regarding harassment and beatings made by Jai Bhagwan and his sisters. Jai Bhagwan used to sexually harass against her consent and forced her to bring money. Despite of this, we are sure that all the accused persons are involved in beating to my sister. As per my knowledge, I have disclosed name of all the persons. Despite of happening such type of things, I have received call from Mob. No. 8295724126, 9991029027 and they are saying no action

taken. From these two numbers, me and my father are receiving calls and there is pressure on us not to take any legal action.”

Learned counsel for the petitioner, *inter alia*, submits that the deceased had committed suicide after 11 years of marriage. It is submitted that there was no instigation to commit suicide on the part of the petitioner or his family members, and that no suicide note has been recovered. Two children were born out of the wedlock of the petitioner and the deceased who are now at the mercy of their neighbours, as the petitioner has been behind bars since 13.01.2023. It is submitted that trial in the present case has commenced, but no prosecution witness has been examined till date. Learned counsel further submits that the next date of hearing before the trial Court is 03.07.2024 and the complainant has not appeared before the trial Court for recording his statement on several dates including the last date of hearing i.e. 05.02.2024. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Learned counsel for the State has filed custody certificate dated 07.02.2024 along with status report dated 7.02.2024 by way of affidavit of Sh. Ravi Khundia, Deputy Superintendent of Police, Rohtak, which are taken on record. As per the aforesaid custody certificate, petitioner has been in custody as an undertrial for a period of 01 year and 24 days. Learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner. However, learned State counsel submits that as per custody certificate there is no other case against the

petitioner.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; custody period undergone by the petitioner including the fact that there is no other case against the petitioner; and also the fact that conclusion of trial will take considerable time, therefore, no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Jai Bhagwan S/o Ram Kishan, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

08.02.2024
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No