

2024:PHHC:062902

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

CRM-M-62680-2023 (O&M)
Date of Decision : 07-05-2024

Dhan Raj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

PANKAJ JAIN, J. (Oral)

CRM-54714-2023

This is an application for placing on record report of FSL and report of Histopathology as Annexures P-6 to P-8.

In view of the contents mentioned in the application, the same is allowed.

Annexures P-6 to P-8 are taken on record.

Main Case

1. Prayer in the petition is for grant of regular bail in FIR No.83 dated 09.03.2023 registered for offences punishable under Sections 323, 34, 346 and 506 of Indian Penal Code, 1860 (Section 306

of IPC added subsequently) at Police Stationn Bhuna, District Fatehabad(Haryana).

2. As per the contents of the FIR, it was alleged as under:-

“Stated that I am of resident above said address, I work as a labourer, I testify the complaint given by me on 09.03.2023. I was married in the year 2013 with Banarsi Dass son of Krishan Kumar, resident of Baijalpur, District Fatehabad, in which I have three children in which the eldest girl is Divya aged about 7 years, boy Bhup and aged about 5 years, youngest one is Ratan who is aged about 3 years. My husband Banarsi Dass and my brother-in-law Rajesh are two brothers, both the brothers are married and residing separately with their own family and children. My father-in-law Krishan and his brother Dhan Raj are two brothers. My father-in-law Krishan is residing with his brother Dhan Raj. My father-in-law Krishan has not given any house or plot to my husband or my brother-in-law Rajesh and neither done any partition. But according to mutual brotherhood, my husband Banarsi Dass my brother-in-law Rajesh are living in the small houses situated on the plot which comes under the share of my father-in-law and they used to do labour work and take care of their children. But still my father-in-law Krishan and uncle father-in-law Dhan Raj often used to quarrel with my husband Banarsi Dass for vacating the house and used to threaten for vacating the house after beatings. Similarly, on dated 08.03.2023 I and my husband Banarsi Dass were present at our house along with the children. Meanwhile, at around 2:30/3:00 PM in the evening my father-in-law Krishan and my uncle Dhan Raj came to our house and as soon as they came, my uncle Dhan Raj father-in-law started fighting with my husband Banarsi Dass. My father-in-law Krishna Kumar stood outside the house. at that time I was inside the house.

My uncle father-in-law Dhan Raj took my husband Banarsi Dass outside in the street while beating and both threatened either vacate the house or else they will kill you like your mother and make your disappear. Since they my husband Banarsi Dass did not return home, on which I had given complaint dated 09.03.2023 against my father-in-law Krishan Kumar and uncle father-in-law Dhan Raj in police station, Bhuna on which FIR No.83 dated 09.03.2023 under Section 323, 506, 346, 34 of IPC was registered. But today the body of my husband Banarsi Dass was found near Village Gorakhpur Bhakra Nangal bridge one kilometre ahead found in the canal, which my husband Banarsi Dass, my father-in-law Krishan, uncle father-in-law Dhan Raj often repeated arguments about vacating the house, because of the beatings and death threats for not vacating the house, he was forced to end his life by jumping into the canal after getting upset and end his life. Therefore, it is my humbly request to you that FIR No 83/ 23 Police Station, Bhuna, which was registered at my instance Strict legal action be taken against the accused persons and justice may be done to me. The dead persons and justice may be done to me. The dead body of my husband Banarsi Dass lying in the mortuary Government Hospital. Fatehabad I have got recorded my statement heard which is correct.”

3. Subsequently, Banarsi Dass died and offence punishable under Section 307 was added. Learned counsel for the petitioner submits that the petitioner is an unfortunate father who has been accused of abetting suicide by his own son. Petitioner is behind bars for more than 1 year 1 month and 22 days. Challan already stands presented.

4. Counsel for the petitioner submits that despite the fact that challan was presented on 18.05.2023 and about and year has passed that

the trial has not made its headway as no witness has been examined till date.

5. Learned State counsel is not in position to dispute the abovesaid factual assertions.

6. Without commenting upon the merits of the case and keeping in view the period of incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

07-05-2024

spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No