

CRM-M-65392-2023 (O&M)

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024.PHHC.163410



CRM-47993-2024 in/&
CRM-M-65392-2023 (O&M)
DATE OF DECISION : 09.12.2024

RAJU SINGH ALIAS JASWANT SINGH ... PETITIONER

V/S

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Neeraj Jain, Advocate for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Cr.P.C challenging the order dated 20.11.2023 whereby the petitioner was declined regular bail in FIR No. 122 dated 23.09.2023 registered under Section 306 IPC at Police Station Bareta, District Mansa.

2. Custody certificate reflecting the custody of the petitioner as 11 months and 04 days have been taken on record.

3. Learned counsel for the petitioner contends that the statement of the husband, mother-in-law and mother of the deceased-victim have already been recorded during the trial and they have not supported the prosecution version.

4. Referring to the status report by way of affidavit of Dr. Nanak Singh, IPS, Senior Superintendent of Police, Mansa, on 22.09.2023, the

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Investigating Officer has visited the hospital and recorded the statement of the patient/victim Manpreet Kaur (now deceased) whereby she stated that she got married to Harmel Singh 15 years ago and she is having two daughters and a son out of the said wedlock. She was having pain in her shoulder and used to get medical treatment from Bareta. She has further stated that on 21.09.2023 after taking meals, she had consumed some poisonous substance due to misconception, considering it as medicine. Her health deteriorated and her husband Harmel Singh arranged a vehicle and she was admitted to Vivek Heart and Multispeciality Hospital, Mansa. It is further mentioned in the status report that the statement of Manpreet Kaur was verified by her mother Mohinder Kaur w/o Labh Singh. On the basis of the said statement, DDR No.23 dated 22.09.2023 was recorded.

5. I have heard learned counsel for the parties and have also gone through the paper-book.

6. The case was registered at the instance of the husband of the victim with the allegation that petitioner was having illicit relationship with his wife Mxxx for about last 5-6 years. The victim used to dissuade the petitioner. However, petitioner used to harass the victim and used to meet his wife-victim in his absence. Due to the said harassment by the petitioner, the victim consumed sulphas and committed suicide. The statement of Harmel Singh, husband of the victim has been recorded as PW1 during the trial (Annexure P-3). The statement of Shinder Kaur-PW2, mother of the complainant and the statement of Mohinder Kaur-PW3, mother of the victim has also been recorded by the trial Court. There is nothing incriminating against the petitioner in the said statements. As per the status report, aluminium phosphide was detected on the examination of the viscera. The

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conclusion of the trial is going to take time. There is no history of any other case against the petitioner. In view of these circumstances, the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. The petition is allowed.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.12.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No