

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51491-2024  
Reserved on: 09.01.2025  
Pronounced on: 28.01.2025

Man Mohan ...Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Gaurav Arora, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.  
\*\*\*\*

**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                  | Sections           |
|---------|------------|---------------------------------|--------------------|
| 250     | 18.07.2023 | Old Faridabad, Distt. Faridabad | 328, 304-B, 34 IPC |

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In Note-II of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from translated copy of the FIR (Annexure P-1), which reads as follows:

*“To, Sir, Police Station Incharge, Old Faridabad, Haryana, Subject Regarding dowry harassment and murder by poisoning. Complaint against. Manmohan (girl's husband) 2. Narendra (boy's father) 3. Gayatri (boy's mother) 4. Kirti (boy's sister) 5. Poonam (boy's second sister) 6. Chanchal (boy's younger sister) 7. Dhamendra (boy's brother-in-law) 8. Sohan (boy's second brother-in-law) 9. Harveer (boy's brother-in-law) Sir, I want to inform that I am Sompal Singh S/o Aidal Singh resident of village Rajapur Hapur Uttar Pradesh. I want to tell that on 26.01.2023, I got my daughter Shivangi Rani married to Manmohan Singh S/o Shri Narender Singh resident New Basala Colony, House No. 783, Gali No. 15, Old Faridabad, Haryana according to Hindu customs and had spent about 7.50 lakh rupees as per my expectations (more than my means). After a*

*few days, my daughter's in-laws started demanding dowry. His (boy's) family used to say that you will bring a car (four wheeler) in dowry but your father sent you empty handed. At times she used to complain to me that you sent me empty handed, then she used to say that her sister-in-law used to put a lot of salt and chilli in her leftover food so that it could not be eaten and she used to make false complaints to the boy Manmohan and get me beaten up. On 22.06.2023 my son (girl's brother) got married and my son (girl's brother) got an ALTO 800 car. From that day onwards they started harassing my daughter more and used to say that they want a car. Many times Sohan (boy's brother-in-law), Dhamendra (boy's brother-in-law), Harbir (boy's brother-in-law) used to tell their mother-in-law (boy's mother) that when his brother can get a car in dowry, then my brother-in-law should also get a car. My daughter told her mother that many times all of them told me to bring the car (four wheeler) otherwise I will lose my life. On 15.07.2023 at about 9.00 PM, I got a call from my daughter in which she was very scared and said that either give them the car or else they will kill me. Then I talked to Manmohan and said that send Shivangi to the village for a few days, then he said that I will come to drop her to the village (home) tomorrow morning and disconnected the phone and even after I called several times, there was no response from there. On 16.07.2023, my wife and I reached Faridabad to take my daughter to our house, then we came to know from the neighbours that she is in Shankar Hospital since last night. When I reached the hospital, I came to know that all of them together have poisoned my daughter. Hence, I request you to take strict action against all these (above mentioned people). And I have full faith in the law and you that my dead daughter should get justice. xxx xxx”*

4. Counsel for the petitioner submits that there is neither any demand of dowry nor any complaint against him. However, evidence is contradictory.
5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
6. The State's counsel opposes bail and refers to the status report.
7. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“7. That the petitioner/accused is directly involved in the present case and named in FIR. Shivangi (wife of the petitioner) died an unnatural death in the house of petitioner/accused within 7 years of her marriage as she was subjected to demand of dowry. Therefore, the petitioner is not entitled for concession of regular bail. The petitioner can misuse the concession of regular bail, if any granted by this Hon'ble Court and also due to gravity of offence.”*

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. The deceased has died within 07 years of her marriage which raises a presumption against her husband and family members but despite the fact that the deceased allegedly spoke to her father on 15.07.2023 at 09:00 p.m., he did not take any preemptive action. In addition to this inaction, there is no evidence of any written complaint or any information to the police. Needless to say that the deceased died in a natural death and also that she had died within 07 years of marriage and further that there is some truth in the allegations of demand of dowry but whether the deceased had committed suicide because of the abetment or instigation to such demand is a matter of trial. In the given facts and circumstances of the present case, considering the general nature of allegations and the absence of any complaint, further custody shall be unjustified as the petitioner is stated to be already in custody for more than 01 year and 03 months.

9. As per paragraph 3 of the status report filed to the bail petition, the petitioner has been in custody since 20.07.2023. As per the custody certificate dated 30.10.2024, the petitioner's total custody in this FIR is 01 year, 03 months and 11 days.

10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned

Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

14. This order is subject to the petitioner’s complying with the following terms.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, or fails to attend the trial, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

28.01.2025  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No