

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

**CRM No.M-11802 of 2015 (O&M)
Date of decision:26.5.2015**

Mehar Singh

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

*** * ***

Present: Mr. R.S. Mamli, Advocate for the petitioner(s).

Mr. Anmol Malik, AAG, Haryana.

DARSHAN SINGH, J.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short the 'Cr.P.C.') for grant of regular bail to petitioner-Mehar Singh in case FIR No.516 dated 19.09.2014 under Sections 498-A, 304-B, 120-B read with Section 34 of the Indian Penal Code, 1860 (for short the 'IPC'), Police Station Assandh, District Karnal.

As per the prosecution allegations, the marriage between deceased Sushma and Sunil Kumar, son of the present petitioner, has taken place on 14.02.2013. Sushma died an unnatural death. She was subjected to cruelty soon before her death by the present petitioner and his co-accused. The petitioner was arrested in this case on 20.09.2014. His application for grant of regular bail has been

dismissed by the learned Additional Sessions Judge, Karnal vide order dated 07.03.2015. Hence, this petition.

Learned counsel for the petitioner contended that there are no specific allegations against the present petitioner for the demand of dowry and the cruelty of the deceased. He contended that only general type of allegations have been levelled against the petitioner. The petitioner is the father-in-law of the deceased and has been implicated only being the father of the husband of the deceased. He contended that as per the opinion of the Medical Board, the cause of death of Sushma was hanging. Thus, it was a suicidal death. The petitioner is in custody for the last more than 8 months. The trial is not making any progress and its conclusion will take long time. Thus, he pleaded that the petitioner is entitled for the bail.

On the other hand, the learned State counsel pleaded that Sushma has died an unnatural death within 1½ year of her marriage. There are clear allegations that the deceased was subjected to cruelty on account of demand of dowry before her death. The petitioner is the father-in-law of the deceased. So, he does not deserve the concession of bail.

I have given my thoughtful consideration to the aforesaid contentions.

The certified copy of the charge placed on record by the learned counsel for the petitioner shows that the petitioner and his co-accused have been charge-sheeted for the offences punishable

under sections 498-A and 304-B IPC. As per the opinion of the doctors concerned, the cause of death in this case is ante mortem hanging. The veracity of the allegations against the petitioner with respect to the demand of dowry is a matter of evidence. Moreover, no specific demand of dowry has been attributed to the present petitioner. The present petitioner is in custody for the last more than 8 months. The conclusion of the trial will certainly take time. So, no useful purpose will be served by detaining the petitioner in jail.

Thus, keeping in view my aforesaid discussion, the present petition is hereby allowed. Petitioner-Mehar Singh is ordered to be released on bail on furnishing of requisite personal/surety bonds to the satisfaction to the Chief Judicial Magistrate/Duty Magistrate, Karnal.

May 26, 2015
ps

(DARSHAN SINGH)
JUDGE