

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-18749 of 2015
Date of Decision:- 11.08.2015

Sher Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gorav Kathuria, Advocate,
for the petitioner.

Mr. Naveen Sheoran, A.A.G., Haryana
for the State.

SHEKHER DHAWAN, J.(Oral)

Copy of post mortem report produced by learned State counsel
is taken on record.

Present petition for regular bail under Section 439 Cr.P.C., filed
by the petitioner, who is in custody since 02.03.2015 in this case. Relevant
facts of the case that Kusum (deceased) was married with petitioner Sher
Singh about eight years back and the litigation qua demand of dowry is
pending against in-laws of Kusum. On 27.02.2015, complaint was received
regarding death of Kusum. As per complainant, petitioner had given
beatings to Kusum about 2½ months back and that account a complaint was
filed at Women Cell, Gurgaon and she was also medically examined. As
per complainant, Kusum was killed by way of strangulation and initially

case under Section 302 read with Section 34 IPC was registered. As per Postmortem report cause of death was asphyxia due to antemortem hanging.

Learned counsel for the petitioner took the plea that sister of Kusum was also married in the family of petitioner and a false case was registered against petitioner. Kusum had illicit relations with her brother-in-law Mahender and because of that Kusum used to quarrel with him on one pretext or the other. She had not filed any complaint against petitioner during ten years of matrimonial life and the trouble started when Mahender, brother-in-law of Kusum, started living at Gurgaon and Kusum developed illicit relations with him. Petitioner objected to the same. Charge was framed for offence punishable under Section 306 IPC and alternatively charge framed under Section 302 IPC.

Learned counsel for the petitioner took the plea that petitioner is to look after three minor children. Death of Kusum had taken place because of suicide and the only reason of committing suicide by Kusum was that petitioner used to object to the relation of Kusum with her brother-in-law Mahender. The trial of case still to take some more time and petitioner be released on regular bail.

Learned State counsel opposed the bail application mainly on the ground that allegations are of serious nature and earlier also complaints were made regarding demand of dowry and torture.

Having considered the submissions made by learned counsel for both the parties and the fact that complainant had come with the plea that petitioner had given beatings to the deceased about 2½ months back at

Gurgaon and even medical examination of complainant was done at that time and complaint was filed at Women Cell, Gurgaon.

In the light of aforesaid reasons, the petitioner is not entitled to grant the concession of regular bail. As such, the bail application filed by petitioner is hereby dismissed.

August 11, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE