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

CRM-M No.41254 of 2015 (O&M)

Date of Decision: 23.12.2015

TILAK RAJ

. . . Petitioner

Versus

STATE OF HARYANA

. . . Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment? Yes/No*
2. *To be referred to reporters or not? Yes/No*
3. *Whether the judgment should be reported in the Digest? Yes/No*

Present: Mr. I.D. Singla, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Munish Mittal, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

CRM No.40908 of 2015

This is an application for correction in the head note in the main petition and to treat the present petition under Section 304-B/34 IPC or under Section 306/34 IPC or in alternate under Section 302 read with Section 34 or 120-B IPC.

For the reasons mentioned in the application, the same is allowed.

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Prayer in this petition filed under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case F.I.R. No. 42 dated

11.06.2015, under Section(s) 304-B read with Section 34 I.P.C. or under Section 306/34 IPC or in alternate under Section 302 read with Section 34 or Section 120-B IPC, registered at Police Station, Women Cell, Sonapat.

Learned counsel for the petitioner contends that the marriage between Neelam (deceased) and Lachhman Dass was solemnized on 04.03.2006. Out of this wedlock, a daughter namely Tanya, aged 9 years, and a son namely Rahul, aged 4 years, were born. However, Neelam has died on 10.06.2015.

Learned counsel for the petitioner further contends that petitioner Tilak Raj is husband of Sunita @ Baby, who is sister in law of deceased Neelam. Therefore, the petitioner is not going to be benefitted from any dowry. He further contends that the allegation that the petitioner has conspired with other co-accused in the case is not founded as he is living separately, of course, in the same city, but at a considerable distance. Even complainant Khem Chand who has appeared before the trial Court as PW-2 has not made any allegation against the petitioner with regard to demand of dowry. The trial will take sufficient long time and the petitioner is suffering in custody since 12.06.2015.

Learned counsel for the complainant has opposed the present petition on the ground that the petitioner has been named in the FIR, wherein allegations of conspiracy and beating have been alleged against him.

Learned State counsel, on instructions from SI Dharambir Singh, states that there are allegations against the petitioner that he conspired with other co-accused and had taken Neelam in a room for committing her murder.

Heard.

Admittedly, the marriage between Neelam (deceased) and Lachhman took place on 04.03.2006 and Neelam has died on 10.06.2015, though the FIR was registered on 11.06.2015. The petitioner is husband of sister-in-law of deceased Neelam (*Nandoi*),

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therefore, it looks to be unrealistic to make dowry demand after a lapse of 10 years. The petitioner is in custody since 12.06.2015 and as against 17 witnesses cited by the prosecution, only 6 witnesses have been examined so far. The trial will take sufficient long time and no useful purpose would be served by detaining the petitioner in further custody.

In view of the above, present petition is allowed and the petitioner is admitted to bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall be at liberty to decide the case on the basis of evidence available before it.

[HARI PAL VERMA]
JUDGE

23.12.2015
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