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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2187/2015**

JTIENDER @ JITU

..... Petitioner

Through: Mr.Manish Bhasin, Adv.

versus

THE STATE GOVERNMENT OF NCT OF DELHI Respondent

Through: Ms.Kusum Dhalla, APP for the State
SI Roshan Lal, PS Nangloi.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **23.05.2016**

1. The petitioner is seeking regular bail in case FIR No.93/2013 under Sections 498-A/304-B/406/34 IPC, PS Nangloi, Delhi.
2. Mr.Manish Bhasin, Advocate for the petitioner has submitted that the petitioner is husband of the deceased Parvesh. The bail application bearing No.1201/2015 filed by the co-accused Parvati, who is mother of the present petitioner, has been allowed by this Court on 08.07.2015. The FIR in this case has been registered on the statement made by Sh.Hargyan, father of the deceased Parvesh wherein there is no allegation of dowry demand being made soon before her death or harassment on account of non-fulfilment of dowry demand. It has been further submitted that most of the material witnesses in this case have been examined and there is no possibility of the petitioner being in position to influence any of the witnesses.
3. Learned counsel for the petitioner has further submitted that no doubt Parvesh has died unnatural death at her matrimonial home, but it was the petitioner i.e. her husband who immediately conveyed to her parents about her death. He was present at the spot when her parents arrived. He has been

arrested from his house and there was never any effort made by him to flee from the spot. Thus, in view of the nature of accusations against him which do not mention about any dowry demand being made or harassment of the deceased on account of non-fulfilment of dowry and the period spent by him in custody i.e. above three years (he is custody since 26.03.2013), the petitioner may be enlarged on bail. Learned counsel for the petitioner has relied upon *Nitin Kumar vs. State* 219 (2015) DLT 227, *Kamal @ Kailash Joshi vs. State* in Bail Application No.4211/2006 decided on 01.12.2006, *Sanjay Chandra vs. Central Bureau of Investigation* (2012) 1 SCC 40 and *State of Kerala vs. Raneef* (2011) 1 SCC 784 in support of his contentions.

4. On behalf of State, prayer made by the petitioner for releasing him on bail has been strongly opposed in view of the gravity of the offence for which he has been chargesheeted i.e. for committing the offence punishable under Sections 498-A/304-B/406/34.

5. I have considered the rival contentions and carefully gone through the record. Statements of father and brother of the deceased have been recorded by the SDM on the next day of unnatural death of Pravesh, wife of the petitioner, copy of which have been enclosed alongwith this bail application.

6. The statement of the complainant, who is father of the deceased, is to the effect that they were telephonically informed that Pravesh had died due to heart-attack whereas when they reached the matrimonial home of their daughter Parvesh, it was disclosed that she had died due to hanging.

7. The main allegation against the present petitioner is that he used to give beatings to Parvesh. On some occasions, after giving beatings to Parvesh, the petitioner used to leave her at her parental house and after 15-20 days, take her back from there. Although, articles given at the time of

marriage are mentioned in the FIR but there is no reference of any demand of dowry article being made thereafter or the deceased being given beatings or harassed on account of bringing insufficient dowry or demanding more dowry.

8. Taking into consideration that the petitioner has been in custody for more than 3 years and that the nature of accusation against him is similar as against the co-accused Parvati, who is his mother and has already been granted regular bail, the petitioner is ordered to be released on bail on furnishing personal bond in the sum of ₹25,000/- with two sureties of the like amount, to the satisfaction of the Trial Court/Link Court. The release of the petitioner would be subject to the following conditions:-

- (i) The petitioner would participate in the trial.
- (ii) The petitioner would not absent himself without proper cause and in case he desires to or is required to move out of Delhi, permission would be taken from the Trial Court a week in advance.
- (iii) The petitioner will not, either by himself or through agency of anybody would meet the witnesses of the case so that they are dissuaded from stating truth before the Court.

9. The bail application is allowed.

10. The observations made above are only for the purpose of deciding the bail application and shall not be considered as an expression on merits.

As prayed copy of the order be given dasti to learned counsel for the parties.

PRATIBHA RANI, J.

MAY 23, 2016
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