

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22099 of 2017 (O&M)

Date of Decision: 21.06.2017

Rajesh @ Nikki

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashit Malik, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 18 dated 11.01.2017 registered for offences punishable under Sections 498-A, 406, 304-B read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Kundli, District Sonapat.

Heard.

Notice of motion.

On asking of the court, Mr. Ashok Muthreja, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Payal, sister of complainant-Pardeep Chauhan, was married with Sachin (non-applicant) brother of petitioner on 05.03.2016. She committed suicide in her matrimonial house on 11.01.2017. As per allegation in the FIR, petitioner, his parents, brother-Sachin and uncle-

Ugarsain were beating Payal for the demand of dowry. On the day of

incident, petitioner, his brother Sachin and their parents were present in the house. Another allegation against the petitioner is that a sum of ₹50,000/- was deposited in the account of petitioner about one month before the incident.

The police during investigation found Ugarsain, uncle of the petitioner, as innocent and has not presented challan against him. The petitioner was arrested on 11.01.2017 and challan has been filed against him, his brother and parents. The petitioner is unmarried brother of Sachin.

This is a fact to be seen by the trial Court as to whether petitioner had any role or interest in demanding dowry from deceased-Payal (sister-in-law). Witnesses in this case are relatives of deceased-Payal and the petitioner, if released on bail, will not be in a position to prevail upon the witnesses.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Rajesh @ Nikki is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

June 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No