

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

**CRM-M-29124-2017
Date of Decision: 14.09.2017**

Sushil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No. 005 dated 05.01.2017, under Sections 328, 34 and 498-A of the IPC (Section 304-B IPC was added later on), registered at Police Station Gannaur, District Sonapat.

In brief, the facts are that the aforesaid FIR came to be registered on the statement of complainant-Babu Giri against Sandeep, Sushil, Poonam @ Babli and Vijay Pal. In the said FIR, it was alleged that within a few days of the marriage, her daughter-Pooja (now deceased) was harassed for not bringing a motorcycle and enough cash. On account of harassment and demand for dowry, Pooja went back to her parental home. Thereafter, Sandeep (husband of Pooja), his uncle Vijay Pal and aunt

Poonam @ Babli came to take her bak along with them by making a statement that they will look after Pooja. However, Sandeep and his family members started harassing her for not bringing more dowry. Again, an effort was made for reconciliation but the demand for dowry was reiterated. In order to settle the house of his daughter, the complainant came back from the matrimonial home of his daughter making a promise to fulfill their demands. On 01.01.2017, he received information that his daughter has consumed poison. He and his family members immediately left and reached Aggarwal Hospital at Gannaur where his daughter was admitted. They were again threatened by the uncle and aunt of Sandeep-husband. Thereafter, they took Pooja from Aggarwal Hospital and got her admitted to Govt. Hospital, Khanpur Kalan, from where, she did not regain consciousness. Specific allegations have been made in the FIR for demand of dowry and harassment at the hands of Sandeep and his family members. In investigation, the role of the petitioner, who is brother-in-law of the deceased, has been established. In the meantime, the father of the deceased Pooja, complainant herein, has also expired.

Learned counsel for the respondent-State submits that in this eventuality, it is imperative that the statements of the brothers of the deceased be recorded and in view thereof he also opposes the grant of regular bail to the petitioner.

I have heard learned counsel for the parties and have also perused the FIR in question.

Admittedly, deceased-Pooja consumed poison while she was in her matrimonial home. The allegations in the FIR are specific in nature. It

would be expedient if the prosecution is permitted to have its evidence recorded before considering the grant of regular bail to the petitioner herein.

In view of above, this petition is dismissed.

Any observation made herein shall have no bearing on the merits of the case which is to be decided on the evidence led.

14.09.2017
Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No