

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

**CRM-M No. 44962 of 2016(O&M)**

**Date of decision: 15.2.2017**

Sudesh

....Petitioner

VERSUS

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

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**REKHA MITTAL, J.(Oral)**

The petitioner prays for grant of regular bail in FIR No.292 dated 26.05.2016 registered with Police Station City Sonapat, District Sonapat for offence punishable under Section 304-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that the present FIR was registered against four persons namely Upkar (husband), Vinod (brother in law), Sudesh (mother in law) and younger sister of Upkar with regard to an occurrence dated 26.05.2016 in regard to Jyoti having committed suicide. It is further submitted that as per the allegations in the FIR, after 2-3 months of marriage of Jyoti on 05.12.2015, her in-laws demanded one motorcycle and Rs.50,000/- and the accused caused beatings and threatened to kill the victim. It is argued that complainant Sunil, brother of Jyoti, has already been examined who admitted in his cross examination that Upkar has a motorcycle. He has further admitted that in the month of March 2016, Jyoti stayed with them for about 4-5 days

and accused Sudesh persuaded and requested Jyoti to accompany them saying that Upkar will never beat her after drinking and Jyoti should join the family life as she is newly married one. It is vehemently argued that keeping in view the general and vague allegations raised in the FIR coupled with the facts elicited in cross examination of Sunil, brother of the victim, there was no demand of dowry but Jyoti committed suicide due to some problem with her husband. It is further submitted that the petitioner is in custody since lodging of FIR and she is ready to face the proceedings, in accordance with law.

Counsel for the State has opposed the plea for bail with the submission that Jyoti, a young girl died just six months of her marriage during her stay in the matrimonial home. It is argued that keeping in view the gravity of allegations, petitioner does not deserve to be enlarged on bail.

I have heard counsel for the parties, perused the paper-book particularly the FIR and the statement of Sunil.

No date, month of alleged beatings to Jyoti at the instance of petitioner has been mentioned. The complainant levelled allegations against four persons, all family members of the husband but two of them namely Vinod and sister of Upkar were not challaned by the police. Sunil has admitted that no such demand of Rs.50,000/- and a motorcycle was made from him and he did not know if any such demand was made from his mother. Without dilating further, lest it may cause prejudice to either of the parties during trial, without commenting upon merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the

satisfaction of the trial Court. However, she shall abide by the following conditions:-

- (i) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) she shall not leave India without previous permission of the Court.

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| <b>FEBRUARY 15, 2017</b>  |   | <b>(REKHA MITTAL)</b> |
| ‘D. Gulati’               |   | <b>JUDGE</b>          |
| Whether speaking/reasoned | : | yes/no                |
| Whether reportable        | : | yes/no                |