

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

CRM-M No. 46485 of 2016(O&M)

Date of decision: 16.3.2017

Kuldeep

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ajit Sihag, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.(Oral)

CRM No.9053 of 2017

Heard.

Allowed as prayed for.

Annexure P-3 is taken on record subject to just exceptions.

Disposed of accordingly.

CRM-M No.46485 of 2016

The petitioner prays for grant of regular bail in FIR No.180 dated 23.06.2016 registered with Police Station Barwala, District Hisar 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 deceased was married with Ram Mehar, younger brother of the petitioner, approximately 6½ years before the occurrence and out of their wedlock two sons aged 5 years and 1½ years were born. It is further submitted that the petitioner is

married and he has two daughters and one son out of his wedlock and his wife is happily residing with him. It is further submitted that the deceased during her stay in the matrimonial home for a period of over 6 years never made any complaint with regard to any demand of dowry much less harassment in connection thereof. As per allegations in the FIR lodged at the instance of brother of the deceased, the petitioner demanded a pair of bed, motor meant for lifting water but the petitioner could not be beneficiary of any such demand. It is further submitted that the petitioner is in custody since 21.08.2016. Challan has been presented in the Court and conclusion of the trial is likely to take its own time.

Counsel for the State has opposed prayer for bail with the submission that keeping in view the gravity of offence punishable under Section 304-B IPC, the petitioner is not entitled to bail.

Concededly, investigation is over and challan has been presented in the Court but till date none of the witnesses has been examined. There is nothing on record suggestive of the fact that during her stay in the matrimonial home deceased ever expressed any grievance against the petitioner, elder brother of her husband. The petitioner has a family consisting of his wife and three children. There is no such plea raised by the prosecution that he is likely to flee from the process of justice in case enlarged on bail. 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, he shall abide by the following conditions:-

- (i) he 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) he shall not leave India without previous permission of the Court.

MARCH 16, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no