

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

CRM-M-14604 of 2017(O&M)

Date of Decision: January 15, 2018

Dinesh Kumar

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Hemant Bassi, Advocate for the petitioner.

Mr.Sanjay K.Saini, AAG Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.(Oral)

The petitioner prays for bail pending trial in FIR No.224 dated 27.7.2016 under Sections 304-B and 302 IPC registered at Police Station Barwala, District Hisar.

It is submitted that the petitioner has been falsely implicated at the instance of the complainant, who is brother of the deceased. Even as per the allegations in the FIR, there is no mention of demand of dowry by the petitioner or his family members. The complainant stated that the accused used to tease his sister who had given birth to a male child about two

the birth of a child) was made by the husband. The complainant alleged that his sister had been killed by all the accused by hanging her. It is vehemently argued that the complainant has not raised any allegations of demand of dowry against the petitioner or his family members at the initial stage or even in his statement before the trial Court. The complainant in his cross examination admitted that he did not visit his sister at the time of birth of the child nor attended the ceremonies after the birth of the child. No complaint whatsoever was ever moved before the police or any other authority, nor any panchayat convened in respect to the alleged demand of dowry by the petitioner since marriage of the complainant's sister with the petitioner. As per the post mortem report, death was due to hanging and no external injury was found on the person of the deceased. Learned counsel for the petitioner submits that in the facts and circumstances of the case, it is debatable whether an offence punishable under Section 304-B IPC is made out against the petitioner. Minor child of the petitioner and the deceased is being taken care of by the parents of the petitioner. The petitioner has been in custody since July 2016 and is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Copy of the statement of the complainant (PW1) before the learned trial Court, filed in Court today is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny the allegations as raised in the FIR or in the statement of the complainant recorded before

the learned trial Court. Learned counsel for the State verifies that the

petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. The complainant has since testified before the learned trial court. The petitioner has been in custody since July 2016. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 15, 2018.
Meenu

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No