

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 28358 of 2018 (O&M)

Date of decision : 28.9.2018

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Satbir Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Sumit Gupta, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Satbir Singh, being an accused in FIR No. 83, dated 23.1.2018, for offences under Section 304-B/34 IPC registered at Police Station Sadar, Karnal.

Briefly stated, facts of the case as per the prosecution story are that Nisha w/o Riva Tanwar, r/o Jundla, had committed suicide in her matrimonial home. The petitioner Satbir Singh is father of Riva Tanwar and father-in-law of Nisha deceased. The matter was reported to the police.

Smt. Leela, mother of the deceased had submitted a complaint to the police that after marriage of Nisha with Riva Tanwar, on 5.3.2016, the spouses started living together and were blessed with a daughter named Harshita. However, Nisha was harassed by her husband Riva Tanwar, mother-in-law Krishna and father-in-law Satbir Singh – present petitioner, in connection with demand of dowry. Though they requested them not to do so and rather fulfilled some of their demands, though not all, due to financial constraints, maltreatment and harassment of Nisha at the hands of her husband and his parents continued and fed up with such situation, Nisha had committed suicide.

On the basis of the such complaint, formal FIR in the matter was recorded. The accused were arrested in this case. Satbir Singh – accused was arrested on 24.1.2018.

After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court.

Petitioner Satbir Singh had moved an application for regular bail to the Court of Sessions, which was assigned to Additional Sessions Judge, Karnal, who vide order dated 22.5.2018 dismissed the application, as such the petitioner has knocked at the door of this Court praying that he be released on regular bail, which prayer is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Learned counsel for the petitioner has pointed out that during the trial, material witnesses for the prosecution i.e. Leela Devi-

complainant, mother of the deceased, appearing as PW-4, her husband Krishan Lal, appearing as PW-5, their son Raman Kumar appearing as PW-6 and another son Vijay Kumar appearing as PW-7, have not supported the prosecution story and have rather stated that the deceased was not harassed by the accused persons and they never demanded any dowry articles from her and that the deceased used to remain under tension and for that reason she had committed suicide.

All these witnesses were declared hostile at the instance of Public Prosecutor. Copies of those statements have been placed on the record.

Learned counsel for the petitioner has further placed on file copy of order dated 11.9.2018 passed by the trial Court, granting regular bail to Riva Tanwar, husband of the deceased. He has come up with a prayer that the present petitioner be also granted the concession of bail.

The request is being opposed by the State counsel.

After hearing the rival contentions and going through the record, I find that since the complainant and other material witnesses of the prosecution have not supported the prosecution story with regard to the husband and his family members harassing, maltreating, the deceased in connection with demand of more dowry and main accused Riva Tanwar husband of the deceased, having been granted regular bail by the trial Court, it shall be in the fitness of things, if the present petition is accepted and regular bail is granted to petitioner Satbir Singh, father-in-law of the deceased, who is stated to be aged about 63 years and an ex-serviceman.

Therefore, the petition is allowed and the petitioner is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Karnal, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioner violates any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

28.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No