

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

CRM-M-29344-2018

Date of decision:-5.9.2018

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.D.S. Matya, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Manish – an accused in FIR No.455 dated 29.8.2016 under Sections 498-A, 304-B, 34 IPC, registered at Police Station Punhana, District Mewat.

Briefly stated, the facts of the case as per prosecution story, are that the criminal machinery in this case was set into motion by complainant John Mohammad son of Sai Khan, resident of Uchhera, Tehsil Kaman, Bharatpur (Rajasthan), who in the written complaint submitted to SHO, Police Station Punhana, District Mewat (Nuh) stated that his daughter Firdosh was married with accused Manish son of Kamru on 29.5.2015; that after the marriage, Firdosh went to her in-laws house, however, she was harassed and maltreated on account of demand of dowry by her husband and his family members; that the complainant met

some demands, however, he was unable to fulfil more demands for dowry, ultimately, fed up with her torture and maltreatment at the hands of her husband and his family members on account of demand of dowry, Firdosh committed suicide by jumping in the village well on 29.8.2016 and she died as a result thereof.

On the basis of such written complaint, formal FIR was registered. The case was investigated. Accused was arrested in this case. After completion of investigation and other formalities, he was sent up to face trial. The petitioner had filed application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Mewat vide order dated 23.5.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has submitted that the deceased had died after she fell into the well accidentally; that the mother of deceased had admitted this fact at the spot in presence of police and media reporters stating that the deceased along with her husband was living happily; that the compact disc said to be containing video footage of mother of deceased has been attached with the petition. It is further contended that the petitioner was innocent and he was arrested in this case on 17.10.2016 and the conclusion of trial is likely to take some time, as such, he be granted concession of regular bail.

Whereas, learned State counsel is opposing the request vehemently contending that the petitioner is directly responsible for the death of his wife; that the death has taken place within seven years (to be precised after one year and three months of marriage) of marriage of petitioner with the deceased and with her father stating that deceased used to be harassed and maltreated in connection with demand of dowry, it comes out to be a dowry death having taken place within seven years of marriage, therefore, the petitioner does not deserve concession of regular bail.

In the written reply submitted on behalf of respondent – State, it is contended that after being arrested in this case on 17.10.2016, during the course of investigation, the petitioner/accused had suffered a disclosure statement and demarcated the place of occurrence besides getting recovered the dowry articles; that during the course of investigation 30-35 respectable persons were joined, who filed their affidavits stating that there used to be quarrel between the petitioner and his wife the deceased only, as such while filing challan against Manish, the remaining accused were not challaned having been found to be innocent.

After hearing the rival contentions of learned counsel for the parties, I find that admittedly Firdosh has died an unnatural death within seven years of her marriage. As narrated by her father John Mohammad in the FIR, the deceased used to be harassed and maltreated by her husband Manish, the present petitioner and his family members in connection with demand of dowry. It being so, the petitioner is guilty of a very grave and

heinous crime.

As regards the contention that mother of the deceased had admitted before the police and media persons at the spot that it was an accidental death and deceased was leading a happy married life with the petitioner and his family members, those contentions, if any, by mother of petitioner are not of much value. Such type of utterances by mother of deceased, who is expected to be in state of shock over sudden unnatural death of her daughter cannot wash away the inference arrived by the investigating agency after carrying out investigation in the matter that petitioner appears to have committed the offences for which he has been challaned. The fairness of the investigation can be judged from the fact that though the complainant had named several family members of petitioner also besides the petitioner as culprits, but only the petitioner has been challaned and none-else. His guilt shall be determined during the trial. There is reasonable apprehension of the petitioner absconding and trying to tamper with the prosecution evidence, if granted bail. The trial against the petitioner is likely to be concluded in near future.

Therefore, finding no merit in the petition, the same stands dismissed.

5.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No