

Criminal Misc. No. M- 34846 of 2017 (O&M)

Date of decision : February 05, 2018

Kashi Nath Prashad and another

.....Petitioners

Versus

State of Haryana and another

....Respondents

Criminal Misc. No. M- 35853 of 2017 (O&M)

Rajesh Kumar Soni

.....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Namit Khurana, Advocate
for the petitioners (in CRM-M-34846-2017)

Mr. Harkesh Manuja, Advocate
for the petitioner (in CRM-M-35853-2017)

Mr. Anmol Malik, AAG, Haryana.

Mr. Sangram Singh, Advocate
for respondent No. 2.

LISA GILL, J.

This order shall decide Criminal Misc. Nos. M- 34846 and 35853 of 2017. For convenience, facts are extracted from CRM-M-34846-2017.

The petitioners seek concession of anticipatory bail in FIR No. 88 dated 14.02.2013 under Sections 304-B, 201, 34 IPC registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Petitioners – Kashi Nath and Sunaina Devi (in CRM-M-34846-2017) are the parents-in-law and petitioner - Rajesh Kumar Soni (in CRM-M-35853-2017) is the husband of the deceased. It is submitted that all the

petitioners were found innocent during investigation. Cancellation report in this case was presented. All the petitioners have been summoned vide order dated 26.07.2017 pursuant to a protest petition filed by respondent No. 2. It is submitted that no case punishable under Sections 304-B, 201, 34 IPC is made out against any of the petitioners. The deceased was never subjected to any kind of ill-treatment or harassment at the hands of the petitioners on account of bringing insufficient dowry. It is further pointed out that the real sister of the deceased is married to the other son of the petitioners in CRM-M-34846-2017 i.e. the brother of Rajesh Kumar Soni. The sister of the deceased in her statement under Section 161 Cr.P.C. specifically stated that no demand of dowry or harassment was ever meted out to her sister and in fact, her father submitted this application out of greed and misguidance by somebody. A period of seven years had elapsed since the marriage of the elder sister of the deceased. Learned counsel for the petitioners contends that in such circumstances the version put forth by the prosecution is inherently improbable. The petitioners, it is submitted, have appeared before the learned trial Court pursuant to interim orders passed by this Court. They undertake to face the proceedings. It is, thus, prayed that these petitions be allowed.

Photocopies of orders dated 20.09.2017 and 28.09.2017 passed by the learned Judicial Magistrate First Class, Jagadhri filed in Court are taken on record subject to just exceptions.

Learned counsel for the complainant has opposed these petitions while submitting that grave and serious allegations have been levelled against the petitioners but he is not able to deny that the elder sister of the deceased is indeed married to the brother-in-law of the deceased. She

is still living in the matrimonial home. Statement under Section 161 Cr.P.C. attached as Annexure P-2 with CRM-M-34846-2017 is not denied.

Learned counsel for the State, on instructions from ASI Shiv Dhan, verifies that the petitioners have appeared before the learned trial Court pursuant to interim orders passed by this Court.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow these petitions. Consequently, interim bail afforded to the petitioners - Kashi Nath and Sunaina Devi (in CRM-M-34846-2017) pursuant to order dated 18.09.2017 and petitioner - Rajesh Kumar Soni (in CRM-M-35853-2017) pursuant to order dated 25.09.2017 be made absolute subject to their furnishing fresh bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

February 05, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No