

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

Criminal Misc. No.M- 42203 of 2017(O&M)

Date of Decision: January 10 , 2018.

Paramjeet PETITIONER (s)

Versus

State of Haryana RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Deepinder Singh, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

Mr. Jitender Dhanda, Advocate
for the complainant.

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.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.83 dated 10.07.2017 under Sections 304B/34 IPC, registered at Police Station Behal, District Bhiwani.

It is submitted that marriage of the petitioner was performed on 28.02.2017 in a simple manner. The petitioner, a constable in the ITBP, was serving at Chhattisgarh in the Anti Naxal Operations at Mahala. While referring to the certificate issued by the Second Commandant, Headquarters 44th Battalion ITBP, annexed as Annexure P3 with this petition, it is submitted that the

petitioner after his marriage left for his work at Chhattisgarh on 21.03.2017. Thereafter, he availed fifteen days' casual leave from 07.04.2017 till 27.04.2017. He resided with his wife (the deceased) for the said period. The petitioner admittedly left for his place of work on 27.04.2017. The deceased was at her parental home from 27.06.2017. The unfortunate incident took place on 10.07.2017 at her parental home. It is submitted that when he came to know about the said unfortunate incident, the petitioner came home on leave again from 11.07.2017 till 30.07.2017. Learned counsel for the petitioner argues that it is debatable whether any offence under Sections 304B/34 IPC is made out against the petitioner. Moreover, the petitioner has joined investigation pursuant to order dated 01.12.2017 passed by this Court and he undertakes to face the proceedings and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Learned counsel for the complainant has opposed this petition while specifically arguing that death of the petitioner's wife occurred within five months of the marriage. Allegations regarding demand of dowry have been levelled in the FIR. However, certificate (Annexure P3) giving the details of the leave by the petitioner is not denied. It is further not denied that the petitioner's wife at the time of the unfortunate incident was at her parental home.

Learned counsel for the State, on instructions from ASI Ramesh Kumar, submits that the petitioner has joined investigation. The petitioner, it is verified, 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.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 01.12.2017 is made absolute.

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 10 , 2018.
'om'

(LISA GILL)
JUDGE

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