

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

Crl. Misc. M-43258 of 2017 (O&M)  
Date of Decision: April 03, 2018

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Ms. Nupur Choudhary, Advocate  
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

Mr. P.B.S. Goraya, Advocate  
for the complainant.

\*\*\*\*\*

**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.35 dated 06.04.2017, under Sections 498-A, 323, 306, 34 of Indian Penal Code, registered at Police Station GRP, District Sonapat.

Learned counsel for the petitioner herein contends that it is a case of accidental death, which is being given colour of Section 306 read with Section 34 of Indian Penal Code. It is further contended that the petitioner herein had solemnized a marriage with the deceased in the year 2008, out of which wedlock two children were born and through the interim period, there were no complaints made regarding demand of dowry. It is

argued that the entire trial has been delayed and as on date, no statement of the witnesses has been recorded. In fact, the material witnesses would be the father of the deceased, who is a retired ASI as well as brother of the deceased, who is in the Haryana police, therefore, there would be very little scope of the petitioner herein interfering or influencing the said witnesses. It is also contended that the petitioner herein has been in custody since 06.04.2017 and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of the respondent-State as well as counsel for the complainant both vehemently oppose the grant of regular bail to the petitioner, while contending that this is a case where there was a demand of dowry a few days prior to the death of the deceased, insofar as there was a demand of ₹ 5 lacs from the retiral benefits of father of the deceased.

I have heard learned counsel for the parties, apart from perusing the record.

At this stage, without going into the merits of the case, whether or not this was a case under Sections 306, 34 of Indian Penal Code or it was a case of accidental death, where a young lady along with two minor children was found dead on the railway track, this court is inclined to allow the regular bail to the petitioner, who has been in custody since 06.04.2017. This court would not have inclined to grant regular bail in such a situation where the petitioner would have been in a position to influence the material witnesses, which is not so in the present case. Further, keeping in view the facts that the investigation is complete, as the challan has been presented

and charges have been framed as well as conclusion of trial is likely to take sufficient time, no useful purpose would be served in keeping the petitioner behind bars. As such, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

**April 03, 2018**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No