

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

Crl. Misc. M 46368 of 2016 (O&M)
Date of decision: 8.2.2018

Manjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sumeet Goel, Advocate with
Ms. Varsha Gupta, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Jagbir Kaushik, Advocate,
for the complainant.

JAISHREE THAKUR, J.

1. This is a petition that has been filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in FIR No 432 dated 29.6.2016 registered at Police Station City Rohtak Haryana under Sections 498A, 323, 406 and 304-B IPC.

2. Learned counsel appearing on behalf of the petitioner contends that the instant FIR is not sustainable and the same is false and frivolous filed with a motive to wreck vengeance upon the petitioner and his family members. It is argued that there is substantial delay in lodging of the FIR by the complainant, while submitting that the FIR itself was registered under Sections 323, 498-A IPC on 29.6.2016 and a reading of the FIR would not

reflect that there is any cruelty on account of demand of dowry to attract

Section 498-A IPC. It is further argued that the deceased Smt. Shradha consumed poisonous substance as per the case of prosecution on 13.7.2016 and was admitted to PGIMS, Rohtak. Her statement was recorded before the Investigating Officer Ashok Kumar and in her statement, she had stated that she has erroneously consumed some poisonous substance by mistaking it to be a medicine. This statement of her's was supported by her mother. The suicide note that was found is suspicious in nature as the deceased was in her matrimonial home at the time she consumed poison. It is argued that the investigation in the matter is complete and the petitioner has been in custody since 4.8.2016 and, therefore, he is entitled to grant of regular bail.

3. Per contra, the counsel for the State and the complainant would argue that the deceased had got married only in the year 2014 and was ill-treated, subjected to beatings and harassment on account of bringing less dowry. It is urged that within a short period of two years, the treatment meted out was such that she was compelled to take poison. A suicide note was found and it was handed over to the police on the 25.7.2016 itself. It is also argued that the poison was consumed on a date immediately after the parties met in the office of the DSP, who was conciliating the matter between the parties and it is thereafter only that she consumed poison.

4. I have heard the counsel for the parties as well as the perused the record of the case.

5. Admittedly, there is an unfortunate incident leading to the death of a young woman in the prime of her life. FIR No. 432 dated 29.6.2016 was registered initially under Sections 498A and 406 IPC by the deceased at

Police Station City Rohtak, Haryana, on the allegations of receiving injuries

at the hands of the husband and in-laws for the demand of dowry. After lodging of the FIR and investigation, the complainant deceased consumed poison and was admitted into hospital where she suffered a statement that she had consumed poison by mistake. This statement was supported by the mother. However, the complainant died on 25.7.2016 and the father of the complaint, who found a suicide note, handed over the same to the police on that day itself. It is also brought to the notice of the Court that there was a meeting between the parties on 12th June, 2017 prior to the deceased consuming poison.

6. An argument raised by the learned counsel for the petitioner that the petitioner is entitled to grant of regular bail, on account of the fact that he has been in custody since 4.8.2016, is not sustainable at the present moment. The parents of the petitioner, who were summoned under Section 319 of the Code of Criminal Procedure, evaded arrest for an inordinate length of time. They had sought for anticipatory bail, which was dismissed by this Court on 11.7.2017 and thereafter they approached the Supreme Court for grant of anticipatory which too was rejected by order dated 16.1.2018. It is only thereafter they have surrendered before the authority and now are in custody. In view of the fact that the parents of the petitioner have been summoned under Section 319 of Cr.P.C., a fresh trial will restart and it is in such a situation that in case the petitioner is allowed regular bail, he would be in a position to influence the prosecution witnesses. The petitioner is not entitled to be released on bail on the sole ground of consideration of his period of incarceration and chance of the trial being prolonged.

7. Therefore, finding no merit in this petition, the same is dismissed. However, keeping in view the fact that the petitioner is in custody since 4.8.2016 and that the trial has to start afresh, a direction is issued to the trial court to expedite the same and record the statement of the material witnesses at the first instance.

8.2.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No