

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

Crl. Misc. No.M- 54287 of 2018

Date of decision : 13.12.2018

Umesh

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Dr. Deipa Singh, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

ANITA CHAUDHRY, J.

This is the second petition filed by the petitioner seeking regular bail in FIR No. 07 dated 05.01.2018, registered under Sections 304-B, 498-A, 34 IPC, Police Station Sadar Bhiwani, District Bhiwani. The first petition was withdrawn on 06.08.2018.

Counsel for the petitioner contends that the petitioner is the husband of the deceased and he is in custody since 08.01.2018. Counsel states that challan was presented only against the husband and all the family members were working and the incident had occurred after four years of marriage. The counsel says that they had two children who are with the petitioner's family. The counsel further submits that the girl wanted to continue her studies and she graduated after marriage. The counsel further states that it was not a dispute related to dowry and there were no injuries in the PMR and it was not a dowry death but a case at the most which would

fall under Section 306 IPC. Counsel says that charge is yet to be framed and the trial would take time.

Counsel for the complainant says that a phone call was made by the deceased to the mother at 6:00 AM that they were planning to kill her and it was a case of dowry demand.

The State counsel says that they had obtained the call records and there is no call at 6:00 AM, however, there is a call after 7:00 A.M.

This fact has not been refuted that the deceased had continued her studies after marriage. The two children born out of the marriage are with the family of the petitioner. The FIR refers to the first call made by the daughter at 6:00 AM, which is not in the call records. Counsel for the petitioner had also informed that some additional accused have been summoned under Section 193 Cr.P.C. The trial would get delayed and that order has been challenged and final order has been stayed in that case.

Considering the above facts, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

13.12.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No