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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2665/2017**

SAGAR MALIK Petitioner

Through: Mr.R.K.Dhawan and Ms.Richa
Dhawan, Advocates

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through: Mr. Ashish Dutta, APP for State with
Inspector Rajesh Kumar, PS Vasant
Kunj (North)

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **04.01.2018**

The status report qua the application filed by the petitioner seeking regular bail has been submitted by the State on the record. The Investigating Officer Inspector Rajesh Kumar, Police Station Vasant Kunj (North) is present.

Arguments addressed on behalf of either side.

On behalf of the applicant, it has been submitted that there is no role of the applicant qua the alleged commission of the offences punishable under Section 304B/498A/34 of the Indian Penal Code, 1860 qua the demise of his deceased wife submitting *inter alia* to the effect that he has not at all been involved in the receipt of any alleged amount of Rs.3,00,000/- as stated to have been given by Mr.Lalit, the maternal uncle of the deceased inasmuch there are variations in the testimonies of the material prosecution witnesses, i.e., the mother, father, maternal uncle and the sister of the deceased in relation to the

money given and the person to whom the money was given.

It has also been submitted on behalf of the petitioner that even in the statement made before the SDM and subsequent statements made before the Court, there are variations in relation to the allegations qua the payment of the sum of Rs.3,00,000/- and even the father of the deceased has stated that he had not been informed by his wife in relation to the said demand of Rs.3,00,000/-.

It has also been submitted on behalf of the applicant/petitioner that the testimony of PW-10 Neha Maan, the sister of the deceased in relation to a call made by her on 1.2.2017 was to the effect that she made a call to Sneha Malik whereupon she picked up the call and her sister informed her that her husband was beating her at the instance of his mother and after hearing this she made a call to the accused and at that time he told her that either they should give money to him or otherwise they should take Sneha Malik back to their home and even at that time the mother of the petitioner was also there and she talked to her also but she discontinued the call and that thereafter she/PW-10 learned from her mother that Sneha Malik is no more. Through the said testimony, it has also been stated by the PW-10 that she used the mobile number of her husband, i.e., 8368582232 to talk to Sneha at the mobile number 8527629886, in relation to which it has been submitted on behalf of the petitioner that the details in relation to the said telephone numbers, indicate completely reverse transaction of calls and the call details as per which Neha Malik had first spoken to the petitioner and thereafter spoken to her sister contending that this itself falsifies the testimony of the prosecution witness PW-10.

On behalf of the State, the petition has been vehemently opposed submitting *inter alia* to the effect that the contradictions, if any, in the testimonies of prosecution witnesses are minor and irrelevant and that all the prosecution witnesses have in fact supported and corroborated the allegations levelled against the petitioner in relation to the maltreatment and harassment of the sister of Neha Maan, i.e., the daughter of the complainant for dowry demands and taking into account the factum that the marriage between the deceased and the petitioner had been performed on 26.2.2016 and that the date of demise of the deceased being 1.2.2017 and taking into account also the factum that the deceased had previously on 19.10.2016 was admitted to the hospital for having consumed Harpic on account of having been harassed by her family members for dowry it has been submitted on behalf of the State that the prayer made by the petitioner be declined.

On behalf of the petitioner, it has been submitted that one of the grounds for rejection of ground of bail to the applicant by the learned ASJ concerned has been that the mother is absconding and it has been submitted by the petitioner that only after release on bail, the petitioner would be able to assist in tracing out the mother and that the two other co-accused in the case i.e. Savan Malik and Neha Malik siblings of the petitioner are already on the bail and that no useful purpose would be served by the further incarceration of the appellant having been in custody from the date of his arrest on 1.2.2017 for almost a year.

On a consideration of the rival submissions and on a perusal of

the copies of the testimonies of prosecution witnesses on the record without any observation on the merits or demerits of the case in the facts and circumstances of the instant case where the deceased has expired on 1.2.2017 after her marriage on 26.2.2016 with the petitioner, i.e., within a short span of marriage with the petitioner coupled with the factum that even earlier on 10.10.2016, the deceased had to be got admitted to the hospital after consumption of Harpic due to alleged harassment from her in-laws including the petitioner for dowry demand and also taking into account the statement of the prosecution witnesses who are consistent in relation to the aspect of the said harassment of the deceased by the family members of the petitioner and by the petitioner for dowry demands, there is no ground for grant of bail whatsoever.

It is however made clear that nothing stated herein above shall have an expression on the merits or demerits of the case nor in relation to the evidence led before the learned trial court in relation to the evidence.

The petition is dismissed.

ANU MALHOTRA, J

JANUARY 04, 2018/sv