

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

213

CRM-M-33867-2018

Date of Decision:14.02.2019

Rakesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Ms. Manjari Joshi, Advocate,
for the petitioner.**

Ms. Mahima Yashpal, A.A.G., Haryana.

**Mr. Pawan Kumar Hooda, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Petitioner, who is husband of deceased-Neeraj (wife) has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.51 dated 04.03.2018 under Sections 304-B, 34, 498-A IPC, registered at Police Station Matlauda, District Panipat.

Learned counsel for the petitioner has argued that the petitioner got married with deceased-Neeraj on 28.06.2015 and out of this wedlock, a child (son) was born on 03.10.2017. However, there was certain medical problems with the son, who ultimately died on 22.03.2018. The deceased used to remain under depression. All sincere efforts were made to get the child properly treated, however, he could not survive. Petitioner is in custody since 04.03.2018. She has further argued that PW1 who is

has stated that there is no allegation of demand of dowry against the petitioner during the period from 28.06.2015 to 03.03.2018. Therefore, the allegation that the deceased had died because of demand of dowry is not likely to be accepted by the trial court.

Learned counsel for the complainant has argued that since the deceased had died within a short period of less than three years of marriage, the presumption has rightly been drawn that the petitioner has committed the offence punishable under Section 304-B IPC in addition to Sections 34, 498-A IPC.

Learned State Counsel on instructions from ASI Kaptan Singh states that as against total 13 witnesses cited by the prosecution, only 01 witness i.e. PW1-complainant, who is mother of the deceased has been examined, whereas father of the deceased has been examined in chief and the case is now fixed for his cross-examination on 12.03.2019.

Heard learned counsel for the parties.

Considering the fact that PW1, who is complainant in the case and is mother of the deceased has stated in her cross-examination that there is no allegation of demand of dowry during the period from 28.06.2015 to 03.03.2018, this Court finds that strict culpability is required to be established during the course of trial. Since as against total 13 witnesses cited by the prosecution, only 01 witness has been examined, trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses in any manner directly or indirectly.

February 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No