

206.

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

CRM-M-20893-2019

Date of decision:31.05.2019

SAKIR @ CHOTTE

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prateek Rathee, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.336 dated 11.09.2017 registered under Sections 304-B and 120B of IPC at Police Station Rajendra Park, Gurugram.

The earlier petition filed by the petitioner was dismissed as withdrawn by this Court on 19.09.2018 in CRM-M-22417-2018.

As per the FIR, the allegation against the petitioner is that he has ill-treated his wife for the last 3 years with demand of dowry and the deceased Meru Nisha was trying to make compromise with the family in order to save the reputation of the family. In the past, there were instances of demand of dowry and harassment to the deceased, but the panchayat was convened which resulted into a compromise where the petitioner along with others promised not to ill-treat the deceased. However, on 10.09.2017, the

complainant received a phone call from the deceased informing that her husband is making dowry demand and pressurizing her for bringing cash and on the same night, the accused persons strangled the sister of the complainant.

Counsel for the petitioner has argued that Dr. Deepak Mathur, who has been examined in the case as PW4, has opined that no external injury was found on the body of the deceased except the ligature mark around the neck and in his opinion, it is a case of “ante mortem hanging”. The petitioner is in custody since 12.09.2017.

Counsel for the petitioner states that from the wedlock, there are two minor daughters, who are about 4 and 6 years of age and they are staying with the grandfather, who is unable to take care of them.

Learned State counsel has argued that the deceased has died within 4 ½ years of her marriage and immediately after marriage, there were allegations of demand of dowry. But the deceased tolerated the cruelty and the demand of dowry. She has opposed the plea of the petitioner for grant of bail.

I have heard learned counsel for the parties.

This Court has been apprised that out of total 17 witnesses, 11 witnesses have been examined. Petitioner is in custody for about 1 year and 8 months. The prosecution evidence is not going to be concluded in the near future.

Considering the custody of the petitioner and two minor daughters who are staying with the grandfather, 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 his furnishing 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 influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

31.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No