

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24327 of 2019 (O&M)
Date of decision : September 26, 2019

Mandeep

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sajjan Singh, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State assisted
by SI Naresh Kumar, Police Station Shivaji Colony,
Rohtak

Fateh Deep Singh, J. (Oral)

Accused petitioner Mandeep in this first regular bail application under Section 439 Cr.P.C. filed in case FIR No. 549 dated 9.9.2018 under Sections 304-B, 201, 34 and 302 IPC (later on added) Police Station Shivaji Colony, Rohtak before this Court has sought bail on the grounds that there is no documentary evidence to link the petitioner with the commission of the offence and the deceased had died a natural death and being the brother of the

husband of the deceased had no cause to demand dowry or cause death of the deceased submitting that the petitioner is behind the bars since a long time and has placed on record statements where the prosecution witnesses have not supported the prosecution version.

The State counsel has opposed the bail on the grounds that the deceased Pooja was married to Sandeep principal accused on 6.3.2018 and on 9.9.2019 was done to death and her body was cremated at the back of the parents of the girl and prior thereto there has been allegations of demand of dowry and physical abuse by the accused side and in view of the death being within seven years, the petitioner does not entitles to any relief.

Going through the submissions as is there in the allegations of the prosecution, the deceased was married to accused non-applicant Sandeep on 6.3.2018 and there are allegations of harassment and cruelty as well as physical abuse on account of demand of dowry. Admittedly, the deceased has died on 9.9.2018 and surreptitiously cremated without informing family of the deceased. Thus, in terms of Section 113-B of Evidence Act, a presumption needs to be drawn that it was none else but the accused who were responsible for this death. The mere arguments

that the witnesses of the prosecution have resiled is no extenuating circumstance and rather reflects that the accused while in custody have stifled the trial and thus, in view of the heinousness of offence disentitled to any relief. The present petition thus stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

September 26, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No