

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-31573-2019

Date of Decision:19.09.2019

Rajeev Jha

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Ankur Malik, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. D.S. Sandhu, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.39 dated 27.02.2019 under Sections 304-B, 34 IPC, registered at Police Station Bajghera, Gurugram.

Learned counsel for the petitioner states that the marriage between the parties was solemnized in the year 2014 and the deceased had died on 26.02.2019 by hanging. The allegation against the petitioner is that he has harassed and given beating to the deceased for demand of dowry. Even a year before the date of incident, the petitioner has given beating to the deceased and demanded money. He has further argued that the petitioner is in custody since 27.02.2019 and trial in the case is not likely to

be concluded in the near future. As against total 10 witnesses cited by the prosecution, 03 witnesses have been examined and apart from the custody, there is no such specific allegation as regards nature of dowry being demanded or the date and time when such demand was raised.

On the other hand, learned counsel for the complainant has argued that the deceased had died in the matrimonial home and since there were consistent demands of dowry from the deceased, she had left with no option except to commit suicide. He states that the deceased had died within seven years of marriage, therefore, no ground to grant bail to the petitioner is made out.

Learned State Counsel does not dispute the custody period of the petitioner and states that out of total 10 witnesses cited by the prosecution, 03 witnesses have been examined in the case.

Heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 27.02.2019. The perusal of the FIR does reflect that there is isolated allegation of beating and demand of money and that incident relates to one year back before the death of the deceased. Only 03 witnesses have been examined in the case and still 07 witnesses are yet to be examined. In this manner, trial is not likely to be concluded in the near future. Therefore, 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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the

case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

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

September 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No