

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

CRM-M-44382 of 2019.

Decided on:- November 16, 2019.

Sunil.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

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 FIR No.299 dated 23.05.2019 under Sections 304-B and 498-A IPC registered at Police Station Quilla, Panipat, District Panipat.

The aforesaid FIR was registered at the behest of Dharmender Kumar, who is maternal brother of deceased Kiran whose marriage was solemnised with the petitioner on 24.09.2018. As per the FIR, sufficient dowry was given in the marriage, but immediately after 3 days of the marriage, the petitioner started giving beating to the deceased under the influence of liquor. Though he was made to understand and for some time, the accused behaved properly, but thereafter, he again started beating her and used to state that his brother Binnu had spent Rs.3 lakh on his marriage and that money has to be returned back to him. Therefore, the petitioner pressurised the deceased to ask her parents to sell the plot in the name of her

father lying in the village so that he can give money to Binnu. The deceased refused for it. Then, the petitioner and father-in-law, mother-in-law as well as brother-in-law of the deceased gave beatings to her and this incident was reported to the police. Thereafter, the matter was compromised, but still, the petitioner and Binnu continued to harass the deceased. The deceased had informed the complainant that all the accused have been giving beatings to her and for such injuries, she was taken to Panipat. Her medical examination was conducted and the matter was reported to the police. Many times, Panchayat was convened, wherein it was resolved that the petitioner side will give Rs.3 lakh to the complainant side towards articles, jewellery and food, but the accused have refused to honour the compromise. The petitioner and his family members used to extend threat to the deceased that they are quite effective before the police. The petitioner has also illicit relations with some lady. On account of harassment and torture caused to the deceased by the petitioner and his family, she consumed celphos and committed suicide.

Learned counsel for the petitioner has argued that number of times, the matter was compromised between the parties. There were temperamental differences between the parties. The complainant, namely, Dharmender Kumar at whose behest the FIR was registered, and Rampal, who is maternal uncle of deceased Kiran, have appeared before the trial Court as PW2 and PW4 respectively, but they have not supported the case of the prosecution and, rather, they have been declared hostile. Therefore, chances of conviction are quite bleak and the petitioner deserves to be admitted on bail as he is in custody since 01.06.2019.

Learned State counsel, on instructions from ASI Raj Pal, has argued that no doubt the petitioner is in custody since 01.06.2019, but the deceased had died immediately after marriage i.e. after about one year of marriage and there are serious allegations against the petitioner and his family members for harassment and beating the deceased for demand of dowry and they were pressing her hard for demand of Rs.3 lakh.

I have heard learned counsel for the parties.

The petitioner is in custody since 01.06.2019. Complainant Dharmender as well as Rampal, who is maternal uncle of the deceased, have been examined in the case as PW2 and PW4 respectively, but they have not supported the case of the prosecution and have been declared hostile. In this manner, this Court finds that when the culpability of the petitioner is yet to be established during the trial, he deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No