

219.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47454-2019

Date of decision: 13.11.2019

SURINDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vinod S. Bhardwaj, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

This is third petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.201 dated 31.08.2017 registered under Sections 304-B and 498-A of IPC at Police Station Kalayat, District Kaithal.

The earlier petitions filed by the petitioner-Surinder i.e. **CRM-M-305-2019** and **CRM-M-13836-2019** were dismissed by this Court on 14.01.2019 and 03.04.2019 respectively.

Counsel for the petitioner has argued that the marriage of the deceased was solemnized with the petitioner on 26.08.2016. Though in the FIR, it has been alleged that in the marriage, the complainant has given dowry as per his capacity and status, but no such dowry was given in the marriage. He refers to the statements of Sarwan Kumar (PW1) and Arun Kumar (PW3) to contend that on 15.08.2016, the petitioner and his friend

had come to see the girl in question where no such demand of dowry was made, as the petitioner was interested to have a good girl and was not in favour of any dowry. Accordingly, the marriage was solemnized on 26.08.2016 i.e. after about 11 days of the matrimony being finalized. The petitioner arranged for a reception party at his own and after about 15-20 days of marriage, he started living separately from his brother. The deceased had stayed in the house of the complainant for about 2 months only i.e. September and October, 2016.

Counsel for the petitioner submits that in the FIR, it has been alleged that the petitioner has demanded LED when the deceased was staying with the complainant and accordingly, LED was purchased from Ladwa, to which, the bill has allegedly been obtained by the complainant, but during the investigation, no such bill has been produced. A similar statement has been made by PW3-Arun Kumar, who is brother of the deceased. The reference has also been made to the statement of PW11-Sub Inspector Ramesh Kumar, who had stated that no bill of LED was produced by the complainant. During the pendency of trial, the prosecution has moved an application under Section 319 Cr.P.C. so as to summon the additional accused, namely, Sukhbir, his son Vicky and Opin Verma to face trial, who were found innocent during the investigation. Though the said application so moved by the prosecution was dismissed by the trial Court, but thereafter, the complainant has filed a petition i.e. Criminal Revision No.2939 of 2018 and this Court vide order dated 19.09.2018 had stayed the proceedings in the case. In this manner, trial is not likely to be concluded in the near future. Petitioner is in custody since 31.08.2017.

Learned State counsel, on instructions from ASI Ishwar Singh, does not dispute the custody. However, she submits that the deceased was married to the petitioner on 26.08.2016 and died on 31.08.2017 by hanging. The case against the petitioner has rightly been registered under Sections 304-B and 498-A IPC, as the deceased died within 7 years of her marriage. The petitioner being husband and only accused in the case, in the event of grant of bail, he can influence the witnesses.

I have heard counsel for the parties.

The petitioner is in custody since 31.08.2017. The marriage between the parties was solemnized on 26.08.2016 and the deceased-Indu Bala has died on 31.08.2017 by hanging. This Court has dismissed the earlier petitions of the petitioner vide orders dated 14.01.2019 and 03.04.2019. The present petition has been filed after filing of application under Section 319 Cr.P.C. by the complainant which has been dismissed by the trial Court. Complainant has preferred a revision petition against the said order which is pending consideration of this court. The allegation against the petitioner is that he demanded LED from the deceased and the father of the deceased has given LED, but no such bill has been produced which is evident from the statement of PW11 Sub Inspector Ramesh Kumar wherein he has specifically stated that no bill of LED has been produced by the complainant.

In view of the above, without observing anything on the merits of the case and considering the fact that the petitioner is in custody since 31.08.2017 and the complainant has filed revision petition before this Court

seeking summoning of additional accused and in this manner, the trial is not likely to be concluded in the near future, 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

13.11.2019
sanjeev

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