

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-64454 of 2018 (O&M)
Date of decision : October 24, 2019

Gulshan

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Jagmohan Ghumman, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State
Mr. Manish Soni, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This regular bail application has come about by accused-petitioner Gulshan who is in custody in case FIR No. 48 dated 12.2.2018 under Sections 304-B, 323, 406, 498-A, 34 IPC, Police Station Khedki Daula, District Gurugram.

The present case was got registered on the complaint of Satish Kumar father of deceased Jyoti whose marriage was solemnized with the accused-petitioner on 9.12.2006. It is alleged

that the accused and his family often used to torture the girl on account of insufficiency of dowry which the deceased used to confide in her family including the complainant. It is on the night of 11.2.2018, the complainant was informed by Sonu brother-in-law of the deceased that she has consumed some poisonous substance and inspite of medical aid she passed away early next morning leading to the registration of the present case.

Mr. Jagmohan Ghumman, counsel for the petitioner inter-alia contends that the petitioner is behind bars since 12.2.2018, more than one year and eight months and that there is nothing substantial to connect the petitioner with the commission of offence neither there is any dying declaration or suicide note or any specific allegation of harassment and cruelty and all insinuations are general and vague in nature and sought to assail the applicability of Section 306 IPC.

Learned State counsel Mr. Amrik Narwal assisted by Mr. Manish Soni, learned counsel for the complainant though have not disagreed with the facts but have stoutly opposed the prayer for the grant of bail on the grounds that if allowed bail the petitioner might stifle the trial and that within 12 years of her married life, the deceased had died un-natural death.

In the light of what has been canvassed before this Court it by no means differed that the couple were married in the year 2006 and the occurrence has come about in February, 2018 more than 12 years of successful matrimony. It is conceded even by the State counsel that neither there is any suicide note much less recording of dying declaration. The documents placed on the record shows that shortly before the deceased died she had undergone self induced abortion. Thus, arguments put forth by the petitioner side that the deceased was under depression because of being unable to bear child are matters of much significance. Going through the records nothing is suggestive even remotely as to the abetment by the petitioner to the deceased in this un-natural death. Petitioner has already undergone incarceration for more than one year and eight months and the trial is not likely to be accomplished in near future and thus, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The present petition stands disposed off accordingly.

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.

October 24, 2019

(Fateh Deep Singh)
Judge

'tiwana'

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No