

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-64480-2018

Date of Decision:14.01.2019

Umesh Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. N.S. Sodhi, Advocate,
for the petitioner.

Ms. Mahima Yashpal, 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.199 dated 22.04.2018 under Section 304-B IPC, registered at Police Station Sector-7, IMT Manesar, Gurugram-Haryana.

Learned counsel for the petitioner has argued that the petitioner is in custody since 23.04.2018. Marriage between the petitioner and the deceased-Neetu was solemnized in March, 2014 and she died on 05.04.2018 though, the present FIR was registered on 22.04.2018. He has further argued that apart from the fact that FIR has been filed after the delay of about 22 days, the bare perusal of the FIR nowhere suggests that the petitioner even demanded dowry from the complainant or the deceased. As per the FIR, the complainant has given Hero Honda Yuga motorcycle in the marriage, but the petitioner did not like the said motorcycle and there was a demand of 'Apache' motorcycle and only on account of this demand of

motorcycle, there used to be quarrel in the family, for which the petitioner used to beat Neetu. He further argued that the FIR was registered at the behest of Raj Kumar, who is brother of Neetu and he has been examined before the trial court. He refers to the cross-examination of Raj Kumar-PW1, wherein in his cross-examination the complainant has stated that he did not name anyone to be behind the death of his sister and did not raise any allegation of dowry demand against the petitioner or any of his family member. Raj Kumar did not request the police to take any action in this regard. He has further drawn the attention of this Court to the cross-examination of PW1, wherein the complainant has stated that “it is correct that my sister and our family never complained about Umesh regarding her beatings”. He further states that as against total 15 witnesses cited by the prosecution, only 03 witnesses including the complainant have been examined and other witnesses including the family members i.e. maternal uncle, paternal uncle and maternal uncle(Mausa) are required to be examined.

Learned State Counsel on instructions from ASI Satya Prakash does not dispute the custody period of the petitioner.

I have heard learned counsel for the parties.

Considering the fact that complainant-Raj Kumar, at whose behest the FIR was registered has been examined in the case and in the FIR, the dispute if any is regarding the make of motorcycle given in the marriage and in the cross-examination, PW1 has admitted that he(petitioner) did not raise any allegation of demand of dowry, this Court finds that the culpability of the petitioner is yet to be established during the course of trial. Since, the petitioner is in custody since 23.04.2018 and the trial in the case will take

examined, this Court deems it appropriate to admit the petitioner on regular 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.

January 14, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No