

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-49953-2019

Date of Decision:16.12.2019

Sonu alias Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Paramjeet Phor, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, 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.136 dated 31.01.2019 under Section 304-B IPC, registered at Police Station Chandni Bagh, District Panipat.

The aforesaid FIR was registered at the behest of Raj Kumar, who is father of deceased-Seema. The marriage of Seema was solemnized with petitioner Sonu alias Deepak on 04.12.2016. As per FIR, the petitioner and his family used to beat deceased Seema on the pretext of bringing more dowry and in this context, compromise has taken place and she used to be send back to the matrimonial home. At number of times, the deceased was being harassed for bringing dowry which led to her death.

Learned counsel for the petitioner has argued that apart from

the fact that there is no specific allegation as regards the date and time of

demand of dowry, the deceased had died because of hanging and the post-mortem report conducted on the person of the deceased nowhere suggests any injury on her person. He refers to the statement of PW1-Raj Kumar, complainant in the case, to contend that during his cross-examination, this witness has stated that he is doing *jharas* and other spiritual things for the last about five years and there was a bad soul in the matrimonial house of his daughter and because of bad soul in the matrimonial home, uncle of the petitioner has also committed suicide prior to the death of Seema. The deceased suffered all spiritual and non-spiritual things at her in-laws house and she was got treated from *tantriks*. Even the complainant has also stated that he has tried his level best to treat the deceased, but failed as the problem with the deceased was serious. He further states that it being a case of hanging and there was no external mark of injury on the person of the deceased, the petitioner deserves to be admitted on bail.

On the other hand, learned State Counsel, on instructions from ASI Subhash Chand, submits that the deceased was married with the petitioner on 04.12.2016 and she died while hanging on 31.01.2019. The deceased was not psychological disorder lady, but it is on account of demand of dowry and harassment, she committed suicide.

Heard learned counsel for the parties.

Petitioner is in custody since 31.01.2019. PW1-Raj Kumar, complainant in the case has been examined. He has admitted that he is doing the work of *jharas* and other spiritual things for the last about five years. There was a bad soul in the matrimonial house of his daughter and for this reason, even uncle of the petitioner has also committed suicide prior to the death of his daughter. In his cross-examination, he has specifically stated

that the deceased was got treated from various *tantriks* and even the complainant has also treated her, but remained unsuccessful as his daughter has some serious problem. In this manner, the argument of the learned counsel for the petitioner that the deceased was a psychological disorder lady is available defence with him(petitioner) and strict culpability of the petitioner is yet to be established during the course of trial. As against total 12 witnesses cited by the prosecution, 08 witnesses have been examined so far. Trial in the case 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 his furnishing 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.

December 16, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No