

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Judgment delivered on: 27.11.2019

+ **BAIL APPLN. 2663/2019**

Mohit Sharma

..... Petitioner

Through: Mr. M. N. Dudeja, Mr. Neeraj
Bhardwaj & Mr. Aditya
Mishra, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr. G M Farooqui,
APP for State with S I Suresh.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.(oral)

1. Vide this order I shall dispose of a bail application filed u/s. 439 CrPC by the petitioner **Mohit Sharma** in FIR No. 355/2018 u/s. 498/304-B/34 IPC, P.S. Karawal Nagar.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. It is submitted that petitioner is husband of the deceased who has endeavoured his best to save the life of the deceased. He himself took her to GTB hospital and also gave her the best treatment. He even shifted the deceased to Ganga Ram hospital and spent money beyond

his capacity in order to save the deceased. It is submitted that family members of deceased have roped-in entire family of the present petitioner out of vengeance. The first bail application of the petitioner was dismissed as withdrawn vide order dated 18.03.2019 and last bail application of the petitioner was dismissed by the Ld. ASJ, Karkardooma Courts vide order dated 13.09.2019 wherein Ld. ASJ has misjudged and misinterpreted that the petitioner cannot draw any mileage out of the fact that all the other co-accused have already been granted bail.

3. It is submitted that on 24.07.2018 when the petitioner, husband of the deceased was at his job, deceased attempted to commit suicide by closing the door from inside. On 03.08.2018, the deceased was declared dead and subsequently a FIR bearing no. 355/2018 u/s. 498-A/304-B/34 IPC PS Karawal Nagar was lodged against the in-laws including the present petitioner and charge has been framed u/s. 498-A/304-B/34 IPC by the Ld. ASJ and the trial is at the stage of examination of prosecution witness. It is further submitted that independent witness Mr. Pooja Ram who is the mediator of the marriage has clearly deposed that the petitioner and his family never harassed the deceased, rather the deceased used to make big issues out

of trivial matters. It is further submitted that there is not even a single complaint lodged by Sh. Ram Sewak and Smt. Bhoo Devi (parents of the deceased) and other witnesses about deceased being subjected to harassment on account of dowry during the subsistence of the marriage nor any complaint was made to the police, Women Cell or the mediator of the marriage about any problem or any cruelty inflicted upon the deceased. It is, therefore, prayed that petitioner be released on bail in the interest of justice.

4. Ld. APP for the state has opposed the bail application on the ground that allegations leveled against the petitioner are serious in nature. He has subjected her to cruelty in connection with demand of dowry and has compelled her to commit suicide within six months from the date of her marriage. It is further submitted that there are direct and specific allegations regarding demand of dowry and harassment of deceased by her in-laws including present petitioner. He has, therefore prayed for dismissal of the bail application.

5. I have considered the rival submissions. Learned Counsel for the petitioner has relied upon following judgments:-

- i) Nitin Kumar Vs. State, 2015(4) Crimes 52 (Del.)
- ii) Kans Raj Vs. State of Punjab and Others, (2000) 5 SCC 207

- iii) Narender Singh Arora Vs. State (Govt. of NCT of Delhi) & Ors., 173(2010) DLT 244,
- iv) Nanha Vs. State of U.P., 1992 SCC OnLine All 871,
- v) Maya Devi and Anr. Vs. State of Haryana, (2015) SCC 405,
- vi) Meka Ramaswamy vs. Dasari mohan and Ors., 1998 SCC (Cri) 604,

6. I have gone through the above case law. There is no quarrel with the proposition of law laid down therein. However, these authorities are distinguishable on the basis of facts and circumstances stated therein.

7. According to prosecution, on 03.08.2018, a case was registered on the statement of Sh. Ram Sewak, father of the deceased, who stated that deceased who was his third daughter was married on 06.02.2018 with petitioner Mohit Sharma. He further alleged that his daughter was harassed for demands of dowry etc. His daughter was pressurized to bring gold necklace. In her in-laws family, her mother-in-law Kuntri, father-in-law Shyam Sharma, husband Mohit Sharma i.e. petitioner and sister-in-law Gola used to harass her and beat her on daily basis. Complainant further submitted in his statement that his daughter had disclosed all these facts to him on phone. Petitioner has been specifically named in the statement made by the complainant/ father

of the deceased before Executive Magistrate and there are allegations regarding demand of dowry and cruelty. In view of the above facts and keeping in mind the nature of allegations against the petitioner, no grounds for bail are made out. The bail application is, therefore, dismissed.

BRIJESH SETHI, J

NOVEMBER 27, 2019

Amit

