

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-4115 of 2020 (O&M)

Date of Decision: 07.10.2020

Paramjit

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Criminal Misc. No.24633 of 2020:

The application is allowed, as prayed. Documents are taken on record.

Criminal Misc. No.M-4115 of 2020:

The petitioner, who is husband of the deceased, has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.77 dated 20.02.2019 under Sections 304-B and 328 read with Section 34 IPC registered at Police Station Sadar, Sonipat.

As per the FIR, the deceased Mamta was married with the petitioner on 27.04.2015 and a son was born out of this wedlock. At the time of marriage, huge amount of money and sufficient dowry articles were given. However, the petitioner and his family members started harassing the deceased Mamta three months after the marriage for bringing insufficient dowry. When the deceased told the complainant about this, he along with his uncle Om Parkash went to the village of the in-laws of the deceased and made them understand that they should not harass Mamta. They kept her properly for two months but again started to raise demand of dowry. The complainant and his brother gave Rs.50,000/- to the petitioner, but after keeping her properly for few days, they again started to harass her. The petitioner and his family members used to threaten the complainant to pay Rs.2 lakhs, otherwise they will kill Mamta. On 18.02.2019, the deceased Mamta informed the complainant on telephonic that the petitioner and his family members would kill her. On receipt of said information, the complainant told her that he along with his uncle Om Prakash shall come to her tomorrow, but due to some reason, he could not go. In the evening of 19.02.2019 at about 7.15 p.m., the deceased Mamta called the complainant and told that the petitioner and his family members have given some poisonous substance to her and that they were taking her to Advanta Hospital, Rohtak.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he has put some poisonous substance in the mouth of the deceased, but the said allegation is a false one. In support of his argument, he has referred to the conversation between

the deceased Mamta and her brother Sunil, wherein she has said that she was disturbed and she should not blame anybody. The deceased has left her four year son with his grandparents. The petitioner is in custody since 12.03.2019.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that the deceased has died within 7 years of her marriage and therefore, the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

The petitioner is the husband of the deceased. The recorded conversation between the deceased Mamta and her brother Sunil does reflect that that she has told her brother not to blame anybody for the step taken by her. The deceased has left behind her 4 years son and the petitioner being the father is the best person to take care of him. Considering the fact that the petitioner is in custody since 12.03.2019 and trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release 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/Duty Magistrate.

October 07, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No