

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-5675 of 2020 (O&M)
Decided on:- December 11, 2020.

Wasim.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

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

Present:- Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

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

CRM-19822-2020

Document Annexure P-4 i.e. copy of zimni order dated 10.08.2020 passed by learned Additional Sessions Judge, Nuh, is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-28828-2020

Exemption application is allowed as prayed for.

CRM-28834-2020

The copy of affidavit dated 08.10.2020 furnished by Jakir son of Kutru (Annexure P-5) is taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-5675-2020

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.229 dated 27.06.2018 under Section 304-B read with Section 34 IPC registered at Police Station Tauru, District Nuh (Mewat).

The earlier petition i.e. ***CRM-M-40651 of 2019*** titled as ***Wasim Versus State of Haryana*** filed by petitioner for the same relief was dismissed as withdrawn vide order dated November 07, 2019 passed by this Court.

Learned counsel for the petitioner has argued that the petitioner was married with Junaida daughter of Jakir son of Kutru, resident of Mohammadput Ahir (Tauru) as per Muslim rites on 15.03.2015. Junaida had died on 26.06.2018 as she committed suicide at her parental house. For the last 8 months prior to her death, she had been residing at her parental house.

He has further argued that the present FIR was registered at the behest of complainant Jaikam, whereas it should have been registered by father or any other member of the family of deceased. There is no allegation of demand of dowry or harassment against the petitioner. The other co-accused have already been granted bail, but the petitioner being husband of the deceased is in custody since 20.10.2019. Charge in the case has been framed, but no prosecution witness has been examined in the case.

He has referred to the affidavit dated 01.02.2020 (Annexure P-3) furnished by complainant Jaikam to contend that neither the petitioner had any fight with the deceased nor he demanded any dowry. He has further referred to the affidavit dated 08.10.2020 (Annexure P-5) furnished by Jakir

son of Kutru, who is father of the deceased. In his affidavit Annexure P-5, Jakir has reiterated the statement that no one has demanded dowry from the parents of the deceased.

Learned State counsel has submitted that since Junaida had died within 7 years of marriage, the affidavits so furnished by the complainant and father of the deceased have no relevance at this stage when the prosecution witnesses are to be examined before the trial Court.

I have heard learned counsel for the parties.

The earlier petition filed by the petitioner was dismissed as withdrawn vide order dated 07.11.2019 passed by this Court. Thereafter, the present petition has been filed by the petitioner accompanied with the affidavits of complainant Jaikam and Jakir father of the deceased. In their affidavits, complainant Jaikam and Jakir father of the deceased have denied the very allegations made in the FIR. Vide order dated September 30, 2020 passed by this Court, the present case was adjourned to 27.10.2020 directing the petitioner to place on record the affidavit of Jakir father of the deceased so as to have its satisfaction.

Therefore, noticing the fact that the petitioner is in custody since 20.10.2019 and complainant Jaikam as well as Jakir father of the deceased have denied the allegations made in the FIR in their respective affidavits, this Court deems it fit to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No