

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5865-2020 (O&M)
Date of Decision:- 11.11.2020

Manish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.214, dated 30.4.2019, Police Station, Sector 9-A, Gurugram, under Sections 302, 304-B, 34 IPC (Section 34 IPC deleted and Section 406 IPC added in report under Section 173(2) Cr.P.C).
2. The FIR in question was lodged at the instance of Praveen wherein it has been alleged that his sister's marriage was solemnized with

Manish (petitioner) on 5.5.2013 and that although they had booked Maruti Swift LDI but Manish and other members of his family had been pressurizing them to get a better model/version of the said car. It is further alleged that after the marriage was solemnized, the aforesaid Manish and other members of his family kept on taunting complainant's sister for not having got them the desired model of the car and in fact after about 20 days of the marriage the complainant's sister was told to reside separately. Although the complainant tried to reason out with Manish and other members of his family but to no avail and ultimately the complainant relented and Manish and complainant's sister Hemlata started residing separately in Sector 9, Gurugram. It is alleged that Manish was however, working in ESI Hospital at Faridabad. It is alleged that it was complainant's sister who used to bear household expenses and that the accused however, continued harassing her. It is further alleged that on 30.4.2019 Manish called the complainant at about 12.15 pm telling him that complainant's sister Hemlata was not attending to his call upon which the complainant went to the rented accommodation of his sister where he found the gate was locked. After entering inside, he saw that his sister was lying inside on a bed in her bedroom whose face had blackened. Although the complainant's sister was taken to hospital but she was declared dead.

3. Learned counsel for the petitioner has submitted that upon investigating the matter, the police did not proceed against other members of family of the petitioner and it is only the petitioner

against whom challan was presented. Learned counsel for the petitioner has further submitted that although an alternate charge under Section 302 IPC has also been framed but neither any offence under Section 304-B IPC can be said to be made out in the absence of any specific allegation of demand of dowry immediately before death of the deceased who had been residing separately along with her husband since the last about 5-6 years and nor the allegations of murder can be substantiated particularly in view of the fact that the doctor during the course of his cross-examination has virtually opined it to be a case of suicide. The learned counsel in this regard has drawn the attention of this Court to the statement of PW-3 Dr. Deepak Mathur.

4. Learned counsel has further submitted that in fact it is a case where the deceased was having relations with one *tantrik* namely Laxman Dutt and the petitioner had caught the deceased and said *tantrik* in compromising position and had prepared a video recording. Learned counsel in this regard has referred to the statement of aforesaid Laxman Dutt (Annexure P-5) recorded under Section 161 Cr.P.C. and has also referred to an application submitted by mother of the deceased (Annexure P-6) wherein the mother of deceased herself has expressed that the aforesaid *tantrik* has been physically and mentally exploiting the deceased.
5. Opposing the petition, learned State counsel has submitted that since it is a case where the dead body was found lying on a bed and was not found hanging on the ceiling fan and that the door was not even

found to be locked from inside, the contention of the petitioner that it is a case of suicide cannot be accepted.

6. I have considered rival submissions addressed before this Court. In the present case, some kind of relation between the deceased and the *tantrik* is evident from the statement of Laxman Dutt (Annexure P-5) and the application submitted by mother of deceased (Annexure P-6). Further in view of the statement of PW-3 Dr. Deepak Mathur, it will certainly be debatable as to whether it is a case of suicide or murder. The petitioner in any case has been behind bars since the last about 1½ years. The prosecution till date has examined 3 out of cited 16 PWs and as such, the conclusion of trial is likely to take some time. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

November 11, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No