

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

(1) CRM-M-6675 of 2020.
Decided on:- February 19, 2020.

Kamaljeet.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

(2) CRM-M-6696 of 2020.

Bimla.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Alok Mittal, Advocate for the petitioner(s).

Ms. Priyanka Sadar, A.A.G., Haryana.

Mr. S.K. Yadav, Advocate for the complainant.

HARI PAL VERMA, J. (Oral)

This order shall dispose of the aforementioned two petitions under Section 439 Cr.P.C. for grant of regular bail filed by the petitioners, namely, Kamaljeet and Bimla, who are the husband and mother-in-law of the deceased, as the same have arisen from common FIR No.144 dated 28.06.2019 under Sections 498-A, 304-B and 120-B IPC registered at Police Station Sadar Narnaul, District Mahendergarh.

However, for convenience and clarity, detailed order is being passed in **CRM-M-6675 of 2020** titled as **Kamaljeet Versus State of Haryana**.

Learned counsel for the petitioner, while making reference to paragraph No.6 of the order dated 10.01.2020 passed by learned Additional Sessions Judge, Narnaul, has contended that the Court has observed that the wife of the petitioner died on account of hanging in the house of her in-laws and she also left behind three years old daughter. However, in the present case, the marriage of the deceased was solemnised with the petitioner on 10.02.2019 and she had allegedly died by consuming some poisonous substance on 27.06.2019 and there was no child from this marriage. The paragraph No.6 of the aforesaid order dated 10.01.2020 passed by learned Additional Sessions Judge, Narnaul, reads as under:

“6. At this stage, the possibility of tempering the prosecution evidence and repeating the same offence can not be ruled out and reliance is placed on *Hardayal Singh v. State (Delhi)* : Law Finder Doc Id #583583 : 2014(15) RCR(Criminal) 634 : 2014(5) AD(Delhi) 673, *Y.S. Jagan Mohan Reddy v. CBI* reported in (2013) 55 Orissa Criminal Report(SC) 825 and *Younus Bin Omer Yafai alias Younus Bhai v. State of A.P.(SC)* : Law Finder Doc Id # 404957 : 2013(1) AIR Jhar R. 504. Reliance is placed on *Gurkirpal Singh v. State of Punjab (Punjab And Haryana)* : Law Finder Doc Id # 441663 : 2013(1) Law Herald 412 : 2013(14) R.C.R.(Criminal) 338, offences under section 304B IPC and 498A IPC. **Wife of petitioner died on account of hanging in the house of her in-laws within seven years of marriage. There are allegations of harassment on account of dowry. She also left behind three years old daughter. Charge has been framed. However, evidence is yet to be**

recorded. Wherein, it was held that it is not such a case in which concession of bail should be granted to the accused at this stage. There is no merit in the instant application for bail filed and the same is, hereby, dismissed and reliance is also placed on Joginder Kaur v. State of Punjab, (Punjab and Haryana) : Law Finder DocId # 184384: 1999(2) AICLR 164 : 1999(1) HLR 600.”

Therefore, learned Additional Sessions Judge, Narnaul had declined the bail to the petitioner while dealing with the facts of some other case.

In view of the mistake so pointed out by learned counsel for the petitioner in the order dated 10.01.2020, the order dated 10.01.2020 passed by learned Additional Sessions Judge, Narnaul, is set aside and the case is remanded back to the trial Court to pass a fresh order by giving another opportunity of hearing to the counsel for the parties.

Disposed of.

Photocopy of this order be placed on the file of other connected case.

February 19, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No