

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

(Heard through VC)

(1)

CRM-M-12966 of 2020 (O&M)
Date of Decision: October 27, 2020

Sudama Mishra

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

(2)

CRM-M-17497 of 2020 (O&M)

Saket Parkash @ Saket Kumar Mishra

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P.S. Khurana, Advocate
for the petitioners.

Mr. Sumit Jain, APP for U.T., Chandigarh.

JAISHREE THAKUR, J. (Oral)

By this common order, this court shall dispose of above
captioned two regular bail petitions i.e. CRM-M-12966 of 2020 titled as
Sudama Mishra vs. State of U.T., Chandigarh and CRM-M-17497 of 2020

titled as *Saket Parkash @ Saket Kumar Mishra vs. State of U.T., Chandigarh* filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.50 dated 25.03.2020, under Sections 304-B, 34 of Indian Penal Code, registered at Police Station Sector 34 South, Chandigarh.

Learned counsel for the petitioners would argue that vague allegations have been raised in the aforesaid FIR regarding demand of dowry and harassment only with the motive to harass the petitioners herein. It is further submitted that marriage of their son took place with the deceased on 17.02.2016 and on account of their behaviour, the petitioners had disowned the couple as far back as 18.10.2016 itself. Consequent to that, the deceased and her husband (son of the petitioners) were residing in House No.2518, Sector 44-C, Chandigarh (first floor) whereas, the petitioners were residing separately in House No.2517, Sector 44-C, Chandigarh (ground floor). It is also argued that two minor daughters born out of their wedlock are residing with the daughters of the petitioners herein and are being well looked after. It is also argued that further custodial interrogation of the petitioners would not be required, as the matter stands investigated and challan presented.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioners, while arguing that the deceased was found hanging within seven years of her marriage. However, he is not in a position to controvert that the investigation is complete and the challan has been presented. It is stated that the matter is yet to be committed to the

Sessions Court.

I have heard learned counsel for the parties.

In view of the facts that the petitioners herein have been in custody since 25.03.2020 and that investigation is complete, as the challan has already been presented, this court deems it appropriate to allow regular bail to the petitioners, as no useful purpose would be served in keeping them behind bars. While allowing bail to the petitioners, it is also kept in mind that husband of the deceased is still in custody and the petitioners herein are willing to give an undertaking that they will look after the minor girls, who are currently residing with their daughters in their house i.e. House No.2517, Sector 44-C, Chandigarh (ground floor). In order to ensure the welfare and well being of the minor girls, it is directed that the petitioners herein will file an undertaking before the trial court within a period of four weeks in this regard that they will take care of their well being, education and day-to-day needs etc. It is also directed that the petitioners herein will furnish FDRs in the name of the minor girls of ₹ 5 lacs each along with the aforesaid undertaking before the trial court within four weeks, which will not be encashed till the minor girls attain the majority. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate along with aforesaid conditions.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the

same shall have no affect on the merits of the case.

October 27, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No