

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14210-2020

DATE OF DECISION: JUNE 23, 2020

ANIL KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AJAY GHANGAS, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH PARMAR, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner Anil Kumar has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No.944 dated 23.11.2019 under Section 304-B, 34 IPC, P.S. Model Town Panipat, District Panipat. The petitioner is in custody since his arrest on 24.11.2019

The above FIR was registered on the statement given by Rajbala, mother of the deceased and the same has been noticed by the Addl. Sessions Judge, Panipat in his order dated 23.5.2020, which reads as under:-

“Prosecution case in brief, is that on 22.11.2019 an information was received in police control room that one lady had hanged herself. Upon receiving this information, ASI Devender Kumar alongwith other police officials went to the house of Jagdish where dead body of one lady namely Promila was found lying in a room on the first floor. The FSL team was called, who inspected the spot and one chunni was taken into police possession and the same was sealed in a sealed parcel. Thereafter, the dead body was shifted to dead house. On

23.11.2019 ASI Devender Kumar reached General Hospital Panipat and outside the dead house, Raj Bala wife of Mehtab Singh (mother of the deceased) moved a written application disclosing therein that she had performed marriage of her daughter on 01.09.2019 with Anil, son of Jagdish according to Hindu rites and had also given dowry according to her status. However, in-laws of her daughter were not happy with the dowry articles and they started harassing her. She further maintained that after some time, in-laws of her daughter demanded Rs.5,00,000/- to raise the construction over a plot and finally in the month of October, her daughter came back to her parental home Simli. After some time, husband of her daughter Anil came to take her to her matrimonial home and all the family members asked her husband not to maltreat their daughter for dowry. However, in-laws of her daughter did not mend their ways and finally, her husband Anil, Jeth Sunil and mother-in-law Chando committed the murder of her daughter.”

Learned counsel for the petitioner contends that the marriage between the petitioner and victim Promila was solemnized on 1.9.2019 and she voluntarily committed suicide by hanging on 22.11.2019. It is pointed out that in the FIR alongwith the petitioner, his brother and mother were also indicted. According to him, the brother of the petitioner was found innocent after investigation and his mother has been granted the concession of regular bail by the trial Court vide order dated 25.4.2020. Learned counsel for the petitioner has invited the attention of the Court to the discharge slip (Annexure P-2) pertaining to victim Promila who was admitted in PGIMS, Rohtak on 26.6.2019 and discharged on next date. He submits that she had made an attempt to kill herself by consuming poison and this attempt was made prior to the marriage. According to him, it was the second marriage of

the victim with the petitioner and therefore, the case set up by the prosecution under Section 304-B IPC is apparently based on extremely weak foundation. He submits that the trial is likely to consume considerable time and therefore, the petitioner be released on bail.

On the other hand, learned counsel for the State assisted by ASI Devender has opposed the prayer on the ground that the offence is serious in nature. However, it is not disputed by him that the co-accused of the petitioner was extended the concession of regular bail and the final report stands submitted before the Court on 19.2.2020. He further states that charges in the case are yet to be framed.

Considering the above background, the custody of the petitioner and the fact that the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

June 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No