

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-14462 of 2020 (O&M)

Date of Decision: 18.09.2020

Ajay

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

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

CRM-16102-2020:

Prayer in this application filed under Section 482 Cr.P.C. is for placing on record the order dated 16.11.2019 as Annexure P-4

The application is allowed, as prayed. The order dated 16.11.2019 is taken on record as Annexure P-4

Criminal Misc. No.M-14462 of 2020:

This is second petition filed on behalf of the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.0064 dated 15.04.2019 under Sections 304-B, 328, 34 IPC (Charge framed under Sections 304-B, 498-A, 34 IPC and alternate charge

under Section 302, 34 IPC) registered at Police Station Sanoli, District Panipat.

The aforesaid FIR was registered on the statement of Ashok, who is brother of the deceased Saroj. The marriage between the petitioner and the deceased was solemnized on 13.04.2013. There are allegations that after the marriage, the petitioner-husband, mother-in-law, brother-in-law and sister-in-law of the deceased started harassing the deceased on account of demand of dowry. Such demands were fulfilled on various occasions. However, the petitioner again raised demand of Rs.1.5 lakh from the deceased. Since the complainant had shown their inability to arrange the money, the deceased was given beatings. On 15.04.2019 at about 10.30 AM, a message was received by the complainant from the deceased, wherein she had made allegations that her husband, mother-in-law, brother-in-law and sister-in-law were beating her with an intention to kill her. After about 5 minutes, the deceased again called the complainant and told him that her husband, mother-in-law, brother-in-law (*jeth*) and sister-in-law (*jethani*) have forcibly administered poison to her.

Learned counsel for the petitioner has argued that the complainant has been examined in the case and there are variations in the FIR version and the statement made before the Court. There are allegations that the deceased was given beatings, but the medico-legal report (Annexure P-3) conducted on the person of the deceased shows that there was no sign of any external injury on her body and it was a case of suspected poison (aluminium phosphate powder). He has further argued that the entire family of the petitioner has been roped in the case, though

the police after investigation found the brother-in-law and sister-in-law innocent and the mother-in-law is already on bail. He has further submitted that the prosecution has moved an application under Section 319 CrPC on 31.10.2019 so as to summon brother-in-law and sister-in-law in the case and the case is pending consideration for 07.11.2020. Thus, the petitioner is in custody since 16.04.2019 and trial in the case is not likely to be concluded in near future, the petitioner be released on bail.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that the deceased has died within 7 years of her marriage and she has been harassed on account of demand of dowry, which disentitles the petitioner from the concession of bail.

I have heard learned counsel for the parties.

The marriage between the petitioner and the deceased was solemnized on 13.04.2013 and the deceased died on 15.04.2019 due to poison. The medico-legal report nowhere suggests any external injury on the person of the deceased. As per the MLR, it was a suspected case of poison. The petitioner is in custody since 16.04.2019. The application filed by the prosecution under Section 319 CrPC on 31.10.2019 in order to summon brother-in-law and sister-in-law, who have been declared innocent, is pending consideration for 07.11.2020. In this background of the case and also taking into account the present situation due to Covid-19, this Court finds that the trial in the case will take sufficient long time and therefore, the petitioner deserves to be admitted on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not construe to be expression of any opinion on the merits of the case.

September 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No