

206.

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

CRM-M-16567-2020

Date of decision: 13.07.2020

KAVINDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunil Panwar, Advocate, and
Mr. Dhananjay Singh and Mr. Dhruv Singh, Advocates,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Ms. Janika Jain, Advocate, for the complainant.

HARI PAL VERMA, J. (Oral)

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

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.21 dated 01.02.2019 registered under Sections 304-B, 34 of IPC (Section 498-A of IPC added lateron) at Police Station Farakpur, District Yamuna Nagar.

The aforesaid FIR was registered at the behest of Shyam Singh, who is father of the deceased-Vandana. As per the FIR, the deceased Vandana was married with the petitioner in February, 2014 and the couple has a son of about 4 years. The allegations against the petitioner and the other co-accused are that the deceased was subjected to dowry harassment few months after her marriage and she was given beatings by her mother-in-law Sushila, father-in-law Ramesh and the present petitioner (husband).

About 5 months ago, her daughter was locked in a bathroom for 30 hours and she was given beatings and made to sign on a blank paper. Her in-laws used to keep the deceased away from her child. She was not given a phone. On 01.02.2019 at about 10 AM, a phone call was received by the wife of the complainant from the petitioner to the effect that Vandana is in depression.

Learned counsel for the petitioner has argued that though allegations were made against the whole family including Sushila, who is the mother of the petitioner, Ramesh, father of the petitioner, however, during investigation, Ramesh was found innocent and the co-accused Sushila has already been admitted on bail by this Court vide order dated 20.01.2020 passed in ***CRM-M-1408-2020*** titled as ***Sushila Versus State of Haryana***. The allegations against the petitioner and the other co-accused are similar. No such allegation as regard demand of dowry was ever made during the last 5 years. The allegations made in the FIR are not only general, rather vague. There is no specific reference to date and time of demand of dowry. He submits that the father of the petitioner Ramesh was though found innocent but now the prosecutrix has made an application under Section 319 Cr.P.C. Against the order of summoning, Ramesh has preferred a petition before this Court and the proceeding in the case has been stayed. He further states that the petitioner is in custody for about 1 year and 4 months and there are 22 witnesses, who are yet to be examined in the case.

Learned counsel for the complainant has argued that the allegations against the petitioner are serious. The deceased died within 7 years of her marriage and therefore, the petitioner has rightly been booked under Section 304-B of IPC. The deceased was subjected to beatings by the

petitioner and she remained under depression which led to her committing suicide.

Learned State counsel does not dispute the custody and supports the case of the prosecution.

I have heard learned counsel for the parties.

Petitioner is in custody for about 1 year and 4 months. The other co-accused against whom there are similar allegations has already been admitted on bail. Father of the petitioner Ramesh though was arrayed as an accused, but he has been found innocent during investigation. About 22 witnesses are yet to be examined in the case and in this manner, trial will take sufficient long time.

Considering the age and the fact that trial is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

13.07.2020
sanjeev

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No