

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

CRM M-21983 of 2020 (O&M)

Date of Decision: August 13, 2020

Kuldeep		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Kuldeep husband of deceased Kirti has come in this third regular bail application moved under Section 439 Cr.P.C., in FIR No. 298 dated 02.06.2018 under Sections 304-B/34 IPC, Police Station City Jind, District Jind, the earlier ones having been dismissed on 27.08.2019 and 18.02.2020,

respectively.

The allegations, in brief, are levelled by Sudama brother of the deceased alleging that his sister was married to the petitioner in the year 2015 where they had given sufficient dowry, however, the accused/husband and his family members were not happy with the same and to satisfy their desires they gave Rs.1,50,000/- and Rs.1,00,000/- on different occasions. The deceased had told the complainant that in spite of the same, the accused were not happy and demanded more dowry and, subsequently, on 02nd June 2018, the deceased was found dead by means of hanging.

Learned counsel for the petitioner Mr. D.S. Virk, *inter alia* contends that the petitioner is behind the bars for more than 02 years and 02 months and there is no specific allegations against the petitioner and has sought to hammer home the point that the case hinges on the allegations of abetment to suicide as it is the deceased who has committed this suicide and has sought to displace that it was not a dowry death. The counsel has contended that the probability of the allegations do not materialize as both the petitioner and the deceased were earlier divorced and this was their second marriage and it is on account of frustration, this incident has occurred.

Mr. Baljinder Virk, DAG, Haryana learned State

counsel has opposed the bail on the grounds of seriousness of the allegations and heinousness of the offence.

Going through the submissions, admittedly, both the accused/petitioner and the deceased were earlier divorced and it was their second marriage. The very allegations of demand of dowry in such a situation is highly debatable. The deceased has died on account of hanging and, thus, without feeling the necessity to advert on to the merits of the case keeping in view the period of incarceration and the fact that on account of COVID 19 Pandemic, there is every likelihood that the entire prosecution witnesses comprising of 17 witnesses is not likely to be examined and the appeal to be heard in near future and in view of the same, the present application is allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

August 13, 2020

amit rana

(FATEH DEEP SINGH)**JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No