

CRM-M-23742-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-23742-2020 (O&M)

Date of Decision: August 26th, 2020

Subhash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Simranjeet Singh, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.214, dated 29.04.2020, registered at Police Station City Faridabad, District Faridabad, under Sections 304-B/306 and 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the allegation against the petitioner, who is the father-in-law of the deceased, is the demand of dowry. Assertion is that the basic allegations are against the son-in-law, namely Parmod, who is the son of the petitioner and alleged to have, after taking the liquor, given beatings to Kiran, daughter of the complainant and harassment. He contends that the subsequent conduct

which has been highlighted in the FIR relates to son of the petitioner, who is said to have entered the house by jumping over the wall in drunken condition and quarreled with the complainant and the family members and used filthy language. All this clearly indicates that the only allegation against the petitioner, if any, is with regard to the demand of dowry. He, therefore, prays for granted of regular bail to the petitioner as he is in custody since the date of his arrest i.e. 27.05.2020.

On the other hand, learned counsel for the State contends that death of Kiran is unnatural and that too, within a period of six months from the date of her marriage in the matrimonial house. Petitioner being father-in-law cannot wash his hands from the responsibility. She, on the basis of the FIR, submits that the petitioner was also responsible for the ultimate death of Kiran, who had committed suicide. Prayer has, thus, been made for dismissal of the present petition.

Having considered the submissions made by the learned counsel for the parties and keeping in view the allegations against the petitioner as mentioned in the FIR, it is apparent that apart from demand of dowry, there has been repeatedly taunting, there is no other overt act on the part of the petitioner. The primary accused is the son of the petitioner, namely, Parmod, who is alleged to have, after taking liquor, given beatings to his wife and harassing her. Subsequent also, the conduct which has been mentioned relates to the son of the petitioner, for which petitioner cannot be held responsible or liable. Challan has been presented in this case and out of the total fifteen prosecution witnesses, none has been examined till date.

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Even the charge has not been framed. In the prevailing circumstances when the trials are not under progress, the continuation of the petitioner in custody would not serve any fruitful purpose.

In view the above, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Faridabad.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

August 26th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No