

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-25066 of 2020

Date of Decision: 03.09.2020

Vijay Pal

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Sandeep Kumar Yadav, 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.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.23 dated 05.01.2019 under Sections 498-A/304-B/406/34 IPC registered at Police Station City Narnaul, District Narnaul.

Learned counsel for the petitioner has argued that the aforesaid FIR was registered at the behest of deceased Harpreet Kaur before her death. The FIR in question was registered on 05.01.2019 whereas the deceased committed suicide on 06.01.2019, as she was mentally fed up with her husband (the petitioner) who was not taking her to

her in-laws house. He has submitted that all the prosecution witnesses have been examined in the case, however, the defence wants to examine Dr. Gaurav Jain, as defence witness, but he has not deposed in the case and the case has been adjourned from time to time i.e. 16.01.2020, 28.01.2020, 15.02.2020 and ultimately, on an application moved by the defence, the Court has summoned Dr. Gaurav Jain in the case. He has further submitted that due to Covid 19, regular trial is not being conducted and the petitioner is in custody since 08.01.2019. Learned counsel has further argued that the deceased has died in her parental home and there is no allegation about demand of dowry against the petitioner inviting Section 304-B IPC. He has relied upon order dated 11.08.2020 of this Court passed in *CRM-M-21759 of 2020* titled as *Virender Kaur Vs. State of Haryana*, wherein the co-accused of the petitioner has been admitted on bail.

Learned State counsel submits that no doubt, the deceased has died in her parental home, but the marriage of the petitioner and the deceased was solemnised on 27.10.2013 and thus, since the deceased has died within 7 years of her marriage, Section 304-B IPC has rightly been applied in the case and the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

The FIR in question has been registered at the behest of none else but the deceased herself on 05.01.2020, whereas she committed suicide on 06.01.2019 after consuming Sulphas tablets at her parental home. There is no allegation against the petitioner that he has demanded any dowry. The allegation against the petitioner is that he was not taking

her to her in-laws' house, because of which she was very embarrassed. Considering the fact that petitioner is in custody since 08.01.2019 and due to Covid-19, trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner 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.

September 03, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No