

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

208

CRM-M-25745-2020

Date of Decision: 08.09.2020.

Vinod Kumar

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K. Rana, Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

Suvir Sehgal, J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, Vinod Kumar, son of Balbir Singh, in case FIR No.280 dated 09.07.2018, under Section 304-B/ 34 IPC, Annexure P1, registered at Police Station Sahlawas, District Jhajjar.

As per the prosecution version, FIR was registered on the complaint of Suresh, son of Gugan Singh, who stated that his younger sister, Priyanka, was married to Vinod Kumar (present petitioner) on 18.07.2013 and a son was born out of the wedlock. She was consistently harassed and beaten by the in-laws for bringing insufficient dowry. He had handed a sum

in-law in March 2017. They were persistent demands for a car, as the in-laws were not satisfied with a motorcycle which has been given in dowry. He has referred to a incident of 24.05.2018, when his sister was beaten and turned out of the matrimonial home, but later her in-laws apologized and took her back. On 08.07.2018, her father-in-law called him up and told him that Priyanka had burnt herself and she had been taken to a local Government Hospital from where she was being taken to PGI, Rohtak. Alongwith a cousin, Jaideep, the complainant went to PGI, Rohtak, where his sister confided in him that she was beaten by her husband and parents-in-laws in the morning and fed up with the ill treatment at their hands, she had set herself afire. She unfortunately expired the same day. The petitioner and his parents were arrested in July, 2018.

Counsel for the petitioner argues that the petitioner is innocent as he was serving in the Boarder Security Force and used to be away from home most of the time. Counsel has referred to the deposition of PW2-Suresh, PW5-Deepak and PW11-Jaideep, both cousins of the deceased, and PW-13-Dr. Sandeep Boora, who had prepared the MLR of the deceased, to submit that no incriminating material had come on record against the petitioner. Counsel urges that the prosecution evidence was closed in November, 2019 and thereafter, there has been no progress in the trial due to outbreak of Covid-19 pandemic. According to the counsel, the petitioner was arrested on 13.07.2018 and is behind bars since then. The first petition for grant of bail filed by the petitioner/ accused was dismissed by the Additional Sessions Judge, Jhajjar on 04.11.2019 as evidence of material witness had not been recorded. The second petition for bail was dismissed on 04.12.2019, without considering the evidence and the present situation

prevailing due to Covid-19 pandemic. Lastly, he has referred to the orders dated 25.01.2019 and 03.04.2019 respectively passed by this Court in CRM-M-44755-2018—Balbir Vs. State of Haryana and CRM-M-13853-2019—Kamlesh Vs. State of Haryana, whereby the in-laws of the deceased had been granted regular bail by this Court.

Per contra, State counsel, upon instructions from SI Randhir Singh, submits that there is direct evidence against the petitioner. Not only is the petitioner specifically named in the FIR, but even the prosecution witnesses in their evidence have attributed specific role to the petitioner in harassing and ill treating the deceased that drove her to end her life.

I have heard the counsel for the parties and considered their rival submissions.

Without discussing the evidence led by the prosecution, it suffices to say that considering the magnitude and the gravity of the offence and the fact that there are allegedly repeated incidents of harassment of the deceased at the hands of the petitioner and her in-laws, the Court is of the view that the petitioner is not entitled to the concession of bail. Still further, a perusal of the order dated 25.01.2019 passed by this Court, shows that the father-in-law of the deceased had been enlarged on bail considering the fact that he was suffering from permanent physical impairment, which has been assessed at 87%. In so far as order dated 03.04.2019 is concerned, a perusal thereof shows that the Court had taken into consideration the fact that the mother-in-law being a lady had suffered incarceration for a sufficient long period of time, as a result of which she was granted regular bail.

Regarding, the situation which has arisen, as a result of

outbreak of Covid-19 pandemic, the petitioner has failed to give any

plausible explanation as to why after the prosecution evidence had been concluded in November, 2019, he did not conclude his defence, if any, till the outbreak of the Covid-19 pandemic in the country in March, 2020. The petitioner cannot be allowed to take advantage of this situation.

Keeping in view the totality of the facts and circumstances, this Court is not inclined to grant any relief to the petitioner. Accordingly the petition stands dismissed.

It is clarified that any observation made hereinabove shall not be construed as an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

08.09.2020

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No