

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-26297 of 2020

Date of Decision: 11.09.2020

Raj Kumar

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Shobit Phutela, 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, who is husband of the victim, has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.361 dated 13.07.2018 under Sections 498-A/304-B/34 IPC registered at Police Station Sadar, District Rohtak.

Learned counsel for the petitioner has argued that marriage between the petitioner and the victim was solemnized on 20.11.2011 and out of this wedlock, there are two children. The deceased committed

suicide on 13.07.2018. In the FIR, apart from the petitioner, his mother and brother were also named, however, they were found innocent in the investigation, which is sufficient to establish that there is false implication of the entire family including the petitioner. He has further argued that except general allegations of demand of dowry, there is no specific allegation of demand of dowry against the petitioner. The petitioner is in custody since 14.07.2018.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that since the deceased has died within 7 years of her marriage, the present FIR has rightly been registered against petitioner. Moreover, the other co-accused i.e. the mother-in-law of the deceased, who was found innocent during investigation, has been summoned in the case under Section 319 CrPC, though she is on bail. Thus, the petitioner does not deserve to be admitted on bail.

I have heard learned counsel for the parties.

Admittedly, the marriage between the petitioner and the victim was solemnised on 20.11.2011 and out of this wedlock, two children were born and the deceased committed suicide on 13.07.2018 i.e. after more than 6 years and 7 months of the marriage. The complainant has partly been examined and mother-in-law of the deceased has been summoned in the case under Section 319 CrPC. Considering the fact that petitioner is in custody since 14.07.2018 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 11, 2020
AK

(HARI PAL VERMA)
JUDGE

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