

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
201 (PROCEEDINGS THROUGH V.C.)**

CRM-M-43306-2019

Date of decision: 08.06.2020

DALBIR

...PETITIONER

V/S

STATE OF HARYANA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Diwan S. Adlakha, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On the last date of hearing, this Court had directed that the evidence of the complainant be completed by the trial Court.

Counsel for the parties have informed the Court that the complainant has been examined and cross-examined as well.

Counsel for the State further informs that out of 17 witnesses, 3 witnesses have been examined and the next date of hearing before the trial Court is 07.07.2020.

It is the contention of the counsel for the petitioner that the petitioner is the father-in-law of the deceased Neelam who was married to the son of the petitioner. He contends that the allegations against the petitioner primarily are with regard to the demand and receipt of ₹50,000/-

and that too, for the completion of construction of the house. He contends that this demand for the completion of the construction of house has been, by various Court, held to be not demand of dowry. Reference in this regard has been made by the counsel to the judgment passed by a Division Bench of this Court in the case of Hari Singh vs. State of Punjab, 2002 (3) RCR (Criminal) 541. His further submission is that the petitioner is in custody since 15.05.2019 and, therefore, has completed more than one year, the trial is not likely to conclude in near future especially in the prevailing pandemic, therefore, the petitioner be granted the concession of regular bail.

On the other hand, learned counsel for the State submits that the petitioner, who has taken active role, was involved in not only the demand of dowry but is also involved in torturing the daughter of the complainant, namely, Neelam both physically and mentally. Referring to the telephonic call dated 02.05.2019, which the complainant had received from his daughter Neelam, specific involvement of the petitioner is pointed out. He asserts that even in the postmortem report, four injuries apart from the legatuse marks have been found on the person of the deceased. He, thus, contends that the petitioner be not granted the concession of regular bail.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case.

Admittedly, the petitioner is in custody since 15.05.2019 and out of 17 witnesses, only 3 witnesses have been examined till date and more than one year has passed by since the arrest of the petitioner. In the light of the Division Bench judgment of this Court, demand of dowry, as far as the case of the petitioner, as alleged, may be separate consideration of the

Court. No specific injury is attributed to the petitioner as there are general allegations in the FIR with regard to the beatings to the deceased Neelam. The trial is not likely to conclude in the near future and the petitioner being in custody for more than one year, the present application is allowed. Petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

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

June 08, 2020*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No