IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-55477 of 2019.
Decided on:- January 10, 2020.

Jatin @ Jitender.

……Petitioner.

Versus

State of Haryana.

……Respondent.

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

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Present:- Mr. Sanjay Vashisth, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. *(Oral)*

The petitioner, who is husband of deceased Jyoti, has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.366 dated 23.06.2018 under Section 304-B read with Section 34 IPC registered at Police Station Palam Vihar Gurugram, District Gurugram.

The aforesaid FIR was registered at the behest of complainant Ramphal, whose daughter Jyoti was married with the petitioner on 02.05.2014. However, on 23.06.2018 she had died as she committed suicide after consuming poisonous substance (sulphas).

Learned counsel for the petitioner has argued that the petitioner is in custody for the reason that he is husband of the deceased. Though the complainant has made allegations against the mother of the petitioner regarding demand of dowry and harassment, but during the course of

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investigation, she was found innocent. Except general allegations, there are no specific allegations against the petitioner of demand of dowry.

He has referred to the statement of PW1 Dr. Girish, Junior Resident of PSRI Hospital, Malviya Nagar Shekh Sarai, New Delhi to contend that no external injury was seen on the body of patient (since deceased). She satisfactorily answered of his queries like eating, drinking etc. and she did not complain against anyone. Similar statement has been made by PW3 Dr. R.P. Singh, Medical Director, Satyam Medicare Hospital, DLF, Phase-1, Gurugram. In his cross-examination, this witness has deposed that the patient (since deceased) had not disclosed any adverse statement against anybody and he had not seen any sign of force with the patient.

He has also referred to the statement of PW8 Ramphal, who is father of the deceased, to contend that despite the fact that the mother-in-law of the deceased was found innocent during investigation, this witness has deposed that though the petitioner and his family had never raised any demand from him directly, but she (mother-in-law) had demanded directly from him.

He has further argued that it is the petitioner who had brought the deceased to the hospital and all expenses of treatment were borne by him. Moreover, the allegation of demand of Rs.5 lakh cannot be accepted for the reason that the petitioner had purchased a plot in the name of the deceased in the village of the complainant and that plot still stands in the name of the deceased. Thus, these are the relevant factors to be considered so as to prove the innocence of the petitioner. Moreover, the petitioner is in custody since 24.06.2018 and as against total 20 witnesses cited by the prosecution, only 8

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witnesses have been examined in the case and in this manner, the trial is not likely to be concluded in near future.

Learned State counsel, on instructions from ASI Dhan Raj, does not dispute the custody. She submits that the deceased was married with the petitioner on 02.05.2014 and she died on 22.06.2018 for having consumed poison i.e. two tablets of sulphas. No lady would commit suicide unless she is harassed in the matrimonial home. She died in the matrimonial home which is sufficient enough to establish the fact that she was being harassed.

I have heard learned counsel for the parties.

The petitioner is in custody since 24.06.2018 and the fact that as against total 20 witnesses cited by the prosecution, only 8 witnesses have been examined in the case, is not in dispute. The statement of PW1 Dr. Girish, Junior Resident of PSRI Hospital, Malviya Nagar Shekh Sarai, New Delhi shows that no external injury was seen on the body of patient (since deceased) and she satisfactorily answered of the queries like eating, drinking etc. and did not make any complaint against anybody. Similarly, PW3 Dr. R.P. Singh, Medical Director, Satyam Medicare Hospital, DLF, Phase-1, Gurugram has stated in his cross-examination that the patient (since deceased) had not disclosed any adverse statement against anybody and this witness had not seen any sign of force with the patient. Even PW8 Ramphal, who is the complainant and father of the deceased, has submitted that the petitioner had never demanded any money from him directly, though the mother of the petitioner had demanded from him directly. But as the mother of petitioner was declared innocent during investigation, no such weightage can be given

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for such like allegation that the mother of petitioner had demanded money from the complainant directly.

The allegation against the petitioner is that he had demanded Rs.5 lakh, but at the same time, the petitioner had purchased a plot in the name of the deceased in the village, where the complainant is residing. There are certain mitigating factors which are required to be proved during the trial. Therefore, when the culpability of the petitioner is yet to be established during the trial, which is not likely to be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

January 10, 2020
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No

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