

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-6073-2021
Date of decision: 22.11.2021

Deepak @ LaraPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Surinder Gaur, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.144 dated 22.06.2020 lodged under Sections 304-B and 506 IPC, 1860 registered at Police Station HSIIDC Barhi District Sonapat.

Learned counsel for the petitioner inter alia contends that the abnormal delay of more than one month in the lodging of the FIR in question, from the date of alleged occurrence i.e. 17.05.2020, leaves no manner of doubt that a concocted and false case has been foisted upon the petitioner. He contends that the petitioner's wife Meena (since deceased) committed suicide by consuming poison as she had slipped into depression for not being able to conceive a child. In support, he has referred to the statement of the father of the deceased dated 18.05.2020 (Annexure P-1) wherein the aforementioned fact stands substantiated. He further submits that both the deceased and her sister

Kavita were married to two brothers and no complaint was ever made prior to 17.05.2020 by either of them or their family before anyone about the alleged mental and physical harassment meted out to them for getting insufficient dowry. He further submits that had there been any grain of truth, the father of the deceased would have definitely made some reference qua the same while getting his statement recorded vide Annexure P-1, which he admittedly did not. It has been further contended that it was only on 22.06.2020, that for the first time, while lodging the FIR the complainant i.e. mother of the deceased levelled allegations of mental and physical harassment against the petitioner and his family and also alleged that her other daughter Kavita on account of being intimidated by the accused did not speak up soon after the occurrence in question that in fact the deceased had been forcibly administered poison. While referring to the postmortem report, which has been placed on record today, learned counsel has submitted that had it been a case of alleged forcible administration of poison, there would have been some resistance put up by the deceased and which in turn would have been reflected in the postmortem report. He has submitted that in the said report, doctor had specifically noticed that there was no external injury found on the person of the deceased. Still further, he has submitted that on 25.10.2020, the complainant party lodged FIR No.707 dated 25.10.2020 under Sections 406, 498-A, 506 and 34 IPC registered at Police Station Shivaji Colony District Rohtak wherein allegations were levelled against the petitioner and his family of subjecting the sister of the deceased to mental and physical harassment which on investigation were found to be without any substance and all

the accused including the petitioner, as a result were declared innocent. He has further submitted that all the other family members of the petitioner, who too were named and assigned a role by the complainant in the FIR in question were found innocent and placed in Column No.2. Still further it has been submitted that subsequent to the deposition of the complainant before the trial Court an application under Section 319 Cr.PC was moved for summoning all these persons as additional accused, which was however, dismissed by the trial Court. A prayer has therefore been made to extend the concession of bail to the petitioner as he has been in custody since 25.10.2020. It has been further prayed that as the complainant, who is the only material witness, already stands examined, further incarceration of the petitioner would not serve any useful purpose, more so, as only two out of 18 prosecution witnesses cited, have been examined so far.

Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer and submissions made by counsel opposite. She, on instructions from SI Ramesh has submitted that the complainant while stepping into the witness box as PW-1 has reiterated the allegations of mental and physical cruelty being inflicted upon her deceased daughter by the petitioner. However, they have not been able to controvert the factum of there being a delay of more than one month in the lodging of the FIR in question as well as the investigating agency finding the petitioner and his family members innocent in the FIR No.707 dated 25.10.2020, which was registered against them at the instance of the sister of deceased, Kavita .

Learned counsel for the complainant has vehemently urged

that it was in fact a case of murder as had been alleged by the complainant while lodging the FIR. He, however, has conceded that no external injury was found on the person of the deceased. He has also not been able to controvert the factum of all the family members of the petitioner having been found innocent during investigation and the charges under Section 304-B IPC having been framed only against the petitioner.

Heard learned counsel and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove, since the complainant already stands examined and as also submitted by the learned State counsel that she is the only material witness in the present case, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.11.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No