

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

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**CRM-M-14490-2021
Decided on : 13.09.2021**

Chhinder Pal Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Amit Chaudhary, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by ASI Surrender.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 218, dated 23.09.2020 (Annexure P-1), under Sections 304 of IPC (Section 34 of IPC deleted), registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner submits that on the face of it fabricated allegations have been levelled against the petitioner by the complainant, who happens to be the brother of his deceased wife, that she was being subjected to harassment on account of dowry demand. Learned counsel further submits that prior to the occurrence in question no Panchayat had ever been convened with respect to the harassment allegedly meted out to the deceased nor any complaint was made to any authority in the said regard. Further submits that even as far as the allegations of the petitioner's illicit relationship is concerned, the same is without any substance because *qua* that as well never was any complaint made nor any Panchayat convened between the parties.

Learned counsel for the petitioner further submits that allegations *qua* harassment on account of dowry demands were levelled against the other family members of the petitioner, however, they were exonerated and placed in column No.2. Learned counsel submits that in the wake of the allegations levelled in the FIR, the essential ingredients to attract the mischief of Section 304-B of IPC, which deals with dowry death, is clearly not made out. A prayer has therefore been made to extend the concession of bail to the petitioner, who has now been in custody for almost one year, having been arrested on 24th September, 2020.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Surender, has not been able to controvert the factum of other family members of the petitioners against whom allegations of harassment with respect to the dowry demand were levelled, having been exonerated and placed under Column No.2. Learned State counsel on instructions has further submitted that during investigation it had come to the fore that there had been a dispute between the deceased and her husband a day prior to the occurrence and as a result of which, she ended her life. However, learned State counsel on instructions has conceded that there was no complaint on record made by the complainant or any family members of the deceased *qua* the alleged harassment with respect to the dowry demands.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 24th September, 2020, I deem it a fit case to extend the concession of regular bail to the petitioner. The petition as such is allowed and the

petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 13, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*