

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-21991-2021(O&M)
Decided on : 26.10.2021**

DEEPAK SAINI

....Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by SI Suresh.

Mr. Narinder Singh Dadwal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.198, dated 29.06.2020 under Sections 498-A, 304-B and 34 of the IPC registered at Police Station Saran, District Faridabad.

Learned counsel for the petitioner has placed on record the deposition of father and brother of the deceased. Same are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Learned counsel for the petitioner submits that the allegations levelled in the FIR in question by the complainant i.e., the father of the deceased) are totally false that his daughter was being subjected to mental

and physical harassment on account of the fact that she was unable to conceive. Learned counsel further submits that in fact, both the petitioner and his deceased wife were undergoing medical treatment together in the said regard at hospital in Gobindgarh and Faridabad. He submits that since the deceased had been suffering from depression as she had been unable to conceive, she ended her life.

Learned counsel has invited the attention of this Court to the deposition of both material witnesses i.e., the complainant (father of the deceased) as well as brother of the deceased, who during their cross-examination had admitted that the petitioner and his family been taking his deceased daughter to various doctors for getting her treated as she had been unable to conceive and still further the deceased was disturbed on account of the same. Still further learned counsel has submitted that in their cross-examination both the father and brother of the deceased had admitted that they had never reported against the petitioner or his family members with regard to the alleged harassment on account of dowry demands. Learned counsel has therefore prayed that as the petitioner has been in custody since 21st December 2020 and both the material witnesses stand examined, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions of the counsel opposite on instructions from SI Suresh has submitted that the deceased committed suicide within seven years of her marriage on account of the harassment being meted out to her as she was unable to bear a child

and also because the dowry given at the time of marriage was not up to the expectations of the petitioner and his family.

I have heard learned counsel for the parties and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 26, 2021

S.Sharma(syr)

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*