

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

224

**CRM-M-23472-2021(O&M)
Decided on : 26.10.2021**

PRABHPREET

....Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. R.S. Cheema, Sr. Advocate with
Mr. Arshdeep Singh Cheema with
Mr. K.S. Dhaliwal, Advocates
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by ASI Subhash Chander.

Mr. N.S. Nagra, 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.76, dated 12.03.2021 under Sections 304-B, 328, 34, 498-A of the IPC (final report submitted only under Sections 306 and 328 of the IPC) registered at Police Station Safidon, District Jind.

Learned Senior counsel contends that the petitioner, who has been in custody since 21st March 2021, has been falsely implicated in the case in hand, without there being any shred of evidence to connect him with the suicide of his deceased-wife. It has been contended that in fact the

deceased was in an illicit relationship with one Narinder Kumar, qua which the petitioner had informed the parents and family of the deceased as well. Since the deceased did not discontinue her dalliance with Narinder Kumar, the petitioner gave a complaint dated 08.03.2021 (Annexure P-2) to SHO, Police Station Safidon, District Jind, detailing therein about his deceased wife's illicit relationship with Narinder Kumar and also about being threatened by the deceased as well as her family of dire consequences including false implication in criminal cases.

While inviting the attention of this Court to the allegations levelled in the FIR in question as well as the final report presented by the Police under Section 173 CrPC, learned Senior counsel has further submitted that totally vague allegations had been levelled with respect to the deceased being harassed for getting insufficient dowry and the Police, during investigation, did not find any evidence too in the said regard. Rather, the investigating agency had come to the conclusion from the material collected during investigation (i.e. WhatsApp conversations etc., between the deceased and Narinder Kumar) that it was on account of the complaint dated 08.03.2021 (Annexure P-2) given to the Police by the petitioner against the deceased, Narinder Kumar and deceased's family members, she committed suicide out of insult and shame. In support thereof, learned Senior counsel has referred to the statement of the said Narinder Kumar recorded under Section 161 CrPC (Annexure P-7), wherein, the factum of his relationship with the deceased stands revealed and substantiated as well as to Annexure P-5 (Challan). It has also been

contended that the Police had presented the challan under Sections 306 and 328 of the IPC for abetting the suicide of the deceased on account of the complaint given by the petitioner on 08.03.2021 (Annexure P-2). However, strangely without there being any material on record qua the alleged harassment on account of dowry demands etc., the petitioner had been charged for offences under Section 304-B, 328, 34, 498-A of the IPC.

A prayer has therefore been made to extend the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, coupled with the fact that further incarceration of the petitioner would not serve any useful purpose.

Per contra, learned State counsel assisted by learned counsel for the complainant on instructions from ASI Subhash Chander has vehemently opposed the prayer and submissions made by the counsel opposite by urging that the deceased had died an unnatural death within 07 years of her marriage and in case the petitioner is enlarged on bail, he could tamper with material evidence. Learned State counsel has however been unable to controvert the factum of the investigating agency not finding any material on record with regard to the alleged harassment meted out to the deceased for bringing insufficient dowry. Learned State counsel has further apprised the Court that there are 26 prosecution witnesses cited and prosecution evidence is due to commence on 09th November 2021.

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)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>