

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

230

**CRM-M-23456-2021(O&M)
Decided on :30.06.2021**

SALEEM

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. Deepanshu Matya, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG Haryana
assisted by ASI Dhan Singh.

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.236, dated 08.10.2020 under Sections 304-B, 406 and 498-A of the IPC registered at Police Station Nagina, District Mewat.

Learned counsel submits that totally vague and false allegations have been levelled against the petitioner of subjecting his deceased wife to mental and physical harassment and thereafter murdering her by pushing her into the well. He further submits that the elder sister of his deceased wife, was married to his real brother and had given sworn-in-affidavit to the effect that her sister i.e. deceased was never harassed by the petitioner or his family members and that infact she accidentally fell in the well leading to her death.

Learned counsel has lastly argued that the ingredients to attract the mischief of Section 304-B IPC are not attracted in the case in hand and are clearly amiss as the marriage of the petitioner was solemnized with the deceased way back in the year 2009 and the occurrence in question took

place on 08.10.2020 i.e., after 11 years of their marriage.

Per contra, learned State counsel on instructions from ASI Dhan Singh has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. She has submitted that there are specific and serious allegations levelled against the petitioner, who is none other than the husband of the deceased. She has further submitted that the deceased was pregnant and carrying a child at the time of alleged occurrence. She has also submitted that soon before the occurrence in question the deceased had informed her father i.e. the complainant of the continuous threats of dire consequences being extended to her in case she failed to fulfill the demands of a car. Learned State counsel has also drawn the attention of this Court to the observations in the impugned order of the Court below that during investigation, statement of the sister of the deceased was recorded under Section 161 Cr.P.C., wherein she reiterated the allegations levelled in the FIR that the petitioner had been demanding a car in dowry. Learned State counsel has submitted that the affidavit of the sister of the deceased on which a great deal of stress has been laid by the learned counsel for the petitioner should be thus taken with a pinch of salt as it was very evident that she may have been pressurized to give the affidavit as she was married to the real brother of the petitioner. Still further, learned State counsel has vehemently submitted that it could not have been a case of accidental fall in a well as is being projected, since three injuries were found on the person of the deceased in the post-mortem report.

Learned State counsel still further while drawing the attention of this Court to the impugned order dated 28.05.2021 has submitted that it had been noticed in the said order that since in the year 2009, the deceased

was not of marriageable age, hence it was only in 2019, after the performance of *Gauna* ceremony, the deceased was sent to her matrimonial home where she resided till her unnatural death on 08.10.2010. Hence, it could not be said that the death of the deceased had taken place after 11 years of their marriage.

Heard.

Prima facie, there are specific and serious allegations against the petitioner in the crime in question. Though it has been urged by the learned counsel for the petitioner that three out of the four accused named in the FIR were found innocent and placed under column No.2 during investigation, however, this Court cannot go into the said aspect at this stage.

Dismissed. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 30, 2021

S.Sharma(syr)

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