

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.24579 of 2021 (O&M)

Date of Decision:29.09.2021

Piyush Singla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod Ghai, Senior Advocate with
Ms. Kanika Ahuja, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Viney Saini, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

CRM No.32335 of 2021

Application is allowed.

Annexures P-7 to P-10 are taken on record.

CRM-M No.24579 of 2021

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.233 dated 12.02.2020 registered under Sections 304-B, 34 IPC at Police Station City Jagadhari, District Yamuna Nagar.

Mr. Vinod Ghai, learned senior counsel assisted by Ms. Kanika Ahuja, Advocate appearing for the petitioner would contend that the deceased is stated to have committed suicide in her matrimonial home. It is submitted that the allegation as made by the complainant, father of the deceased, to the effect that she was being harassed on account of bringing ₹40 lakhs for developing the business, is patently false, as the petitioner, in

fact, was depositing an amount of ₹13,000/- in the account of the father of the deceased i.e. the complainant. It is further submitted that if there is no demand of dowry as has been demonstrated, no offence under Section 304-B IPC would be made out, as presumption under Section 113-B of the Indian Evidence Act cannot be invoked unless the prosecution proves entire ingredients of Section 304-B IPC. In fact, on the date of occurrence, a quarrel had taken place between the petitioner and the deceased over preparation of food and the petitioner broke mobile phone of the deceased by throwing it on the ground. Thereafter, he went and slept on the ground floor whereas the deceased hanged herself. It is argued that statement of the material witness i.e. the complainant has been recorded and there are several discrepancies in the deposition made. In the cross-examination of the complainant, it has come that the complainant had not been able to furnish any bills regarding expenditure incurred in the marriage nor had provided any such details to the police during investigation, while admitting to the fact that the petitioner herein used to deposit an amount of ₹13,000/- per month in the said account.

Learned senior counsel for the petitioner would further argue that it has been mentioned in the cross-examination that the petitioner had borrowed an amount of ₹2 lakhs, however, had not made any mention of the same to the police regarding availing of the said loan. He prays for grant of regular bail by contending that the material witness has been examined and therefore, the likelihood of the petitioner influencing his testimony would not arise. It is also submitted that the petitioner is in custody since 13.02.2020 and the trial is likely to take some time to conclude, as the

witnesses are yet to be examined.

Learned counsel appearing on behalf of the respondent-State opposes grant of regular bail to the petitioner by contending that the petitioner has been nominated as an accused under the said FIR where Section 304-B IPC has been invoked. It is argued that in the FIR, there is a specific allegation that an amount of ₹40 lakhs had been demanded for developing business and the deceased committed suicide within three years of the marriage.

Learned counsel appearing on behalf of the complainant would reiterate the arguments as raised by the counsel for the respondent-State.

Be that as it may, keeping in view the fact that the material witness has already been examined and the trial is likely to take some time to conclude and further the question whether there was a demand of dowry or not is a matter of trial, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds of ₹2 lakhs each to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 29, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No