

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

120

**CRM-M-27758-2021(O&M)
Decided on : 19.07.2021**

NAVAL KISHORE

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr.Arinder Arora, Advocate
for the petitioner(s).

Ms. Ranjana Shahi, Addl. AG, Haryana.

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. 220, dated 10.12.2020, under Sections 304-B and 34 of the IPC registered at Police Station Radaur.

Learned counsel submits that totally false allegations have been levelled by the complainant against the petitioner of having subjected his deceased wife to mental and physical harassment on account of dowry demands. Learned counsel further submits that the complainant while lodging the FIR in question had tried to implicate the entire family of the petitioner by levelling allegations of harassment. However, the parents and brother of the petitioner were found innocent during investigation. Learned counsel submits that had it been a case wherein the deceased had actually been harassed, as alleged, the complainant would not have failed to say so in his statement recorded by the Police on 09th December, 2020, i.e., soon

after the occurrence in question. However, instead soon after the admission of the deceased in the hospital the complainant had not levelled any allegations against anyone including the petitioner but had stated that he was unable to tell as to how his sister i.e., deceased had consumed poison. In support of his submissions he has drawn the attention of this Court to Annexure P-2.

Learned counsel further contends that the marriage between the parties was solemnized in the year 2016 and not even once was any complaint made against the petitioner alleging any harassment, much less, for demand of dowry. It has been further submitted that the petitioner has been in custody since 21st December 2020 and prosecution evidence has not yet commenced hence there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has apprised the Court that the next date before the trial Court is 8th November 2021, when the prosecution evidence is likely to commence. She has, however, not been able to controvert the fact that nothing had come on record during investigation with respect to any Panchayats being convened or any complaints having been made against the petitioner with respect to the allegations of harassment meted out to the deceased.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future. 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 as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 19, 2021

S.Sharma(syr)

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