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

CRM-M-27797-2021 (O&M)

Date of decision : 20.09.2021

Gurnam

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in this petition under Section 439 Cr.P.C, is for grant of regular bail in case FIR No.0390 dated 01.10.2020, under Sections 304-B, 406, 498-A, 34 IPC, at Police Station Kaithal City, District Kaithal.

Petitioner before this Court is the husband of the deceased.

Learned counsel for the petitioner submits that the marriage in question took place on 22nd November, 2015 but unfortunately, the death of the bride Sonia, took place on 1st October, 2020 by consuming poison. The FIR in question was lodged by father of the deceased which has been placed on record as Annexure P-1. The allegations in the FIR were regarding causing harassment on account of dowry to the deceased and on being harassed by the same, Sonia consumed some celphos tablets and thus, committed suicide. On the conclusion of the investigation, it had been

found that though there were total five accused including the petitioner but the challan was presented only against the petitioner. Learned counsel further contends that complainant's father has been examined by the trial Court as PW-1. He has drawn the attention of this Court to the examination of the complainant wherein, he has deposed that there was no demand prior or at the time of marriage of Sonia at the behest of her husband Gurnam and his family members, however, thereafter, she was given taunting. He further submits that from the examination of the complainant, it is apparent that though, death of the deceased took place in the matrimonial home, however, it is an admitted fact that after consuming poison by the deceased, the petitioner took her from one hospital to another and thus, tried his level best to save her life. He submits that the petitioner has a 4 years old daughter, who is with the grandparents. He further submits that as the material witnesses have already been examined and the petitioner is behind bars since 28th April, 2020 and hence, he deserves the concession of bail.

Learned State counsel vehemently opposed the submissions made by counsel for the petitioner and has submitted that young bride committed suicide within five years of marriage and there are categorical allegations of harassment and cruelty by the petitioner on account of dowry. However, he submits that in all there are 18 prosecution witnesses, out of which 2 have been examined including the complainant and father of the deceased.

I have heard counsel for the parties and perused the record.

In the facts and circumstances of the case, the Court would refrain from commenting on the merits of the case. However, keeping in view the custody and other attending circumstances, I find that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner.

The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

20.09.2021
m. sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No