

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

CRM M-22789 of 2020 (O&M)

Date of Decision: January 05, 2021

Manish Sharma

...Petitioner

Versus

The State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Charanjit Singh Bakshi, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. A.G. Haryana.

Mr. Tarun Sharma, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner Manish Sharma husband of deceased Priyanka has come in this first regular bail application under Section 439 Cr.P.C. moved in FIR No. 95 dated 25.01.2020

under Sections 304-B and 34 IPC registered at Police Station City Thanesar, District Kurukshetra.

The present case was got registered on the statement of Mahenderpal father of deceased. The brief allegations are that marriage between the petitioner and the deceased was solemnized on 3rd of March 2018 where sufficient dowry articles were given. It is alleged that out of this marriage a child was born to the couple on 05.03.2019. There are insinuations and allegations by the complainant that the accused family were not happy with the dowry and demanded more including cash which fact was disclosed to the complainant telephonically by the deceased. It is claimed that on the day of occurrence i.e. 25.01.2020, the complainant received telephonic message from the petitioner that a quarrel has ensued between them, which was followed by another intimation that Priyanka has committed suicide by hanging leading to registration of the present case.

Heard at length Mr. Charanjit Singh Bakshi, Advocate for the petitioner Mr. Sumit Gupta, Addl. A.G. Haryana and Mr. Tarun Sharma, Advocate for the complainant and perused the records.

Admittedly, a perusal of the FIR does not illustrates any specific demand by any of the accused. There are general insinuations that the accused were not happy with the *istridhan*

including cash. The contention of the counsel for the State Mr. Sumit Gupta, Addl. A.G. Haryana assisted by Mr. Tarun Sharma, Advocate for the complainant that within few years of the marriage the deceased was compelled to take drastic unfortunate step is suggestive of the role of the accused/husband and which is sought to be controverted by Mr. Bakshi on the premise that all averments are generic in nature without any iota of truth and has sought to be controverted on the grounds that the mother of the petitioner was a psycho patient and because of this false implication the father of the petitioner died on 28.11.2020 and that a minor child has been left in a lurch and there is no one to look-after the child.

What has reflected to this Court is that on the perusal of the copy of the report under Section 173 Cr.P.C. neither any reliance is placed on call details nor any witness of the service provider has been cited as a witness much less any allegations with particulars have come about in the FIR or any statement of the prosecution side. The petitioner is behind the bars since 06.02.2020 and a debatable issue arises over the applicability of offence under Section 304-B/306 of IPC which can only be set at rest upon trial.

More so, during the course of hearing of the present matter, this Court had adjudged on the veracity of the screen

shots of Whatsapp and which are not suggestive from which mobile they have been taken and rather appears to be a subsequent afterthought. Keeping in view the Covid 19 pandemic situation and plight of the minor child as no one is there to look-after him as mother of the petitioner is a psycho patient which is one of the strong impelling circumstance for this Court to allow the present bail application as culpability if any would be determined after the trial.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

January 05, 2021

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No