

CRM-M-30464-2021

Date of Decision: 7.10.2021

Pardeep Sharma

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Edward Augustine George, Advocate and
Ms. Kanika Ahuja, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.551 dated 14.12.2020 under Sections 304-B, 498-A IPC registered at Police Station Sector-10, Gurugram, District Gurugram.

As per the factual matrix of the case, the FIR was lodged on the statement of Satyanarayan Sharma, father of the deceased. The allegations in the FIR are that the complainant married his daughter Renu to Pardeep Sharma on 31.1.2014. It is alleged that the husband was having illegitimate relation with other girl for last two years. The efforts were made to settle the dispute, however, the same proved to be futile. It was alleged that beatings used to be given to her daughter for bringing money from her parents due to which getting fed up, she committed suicide by hanging herself on 14.12.2020. It was alleged that his daughter took the extreme step for demand of dowry by her husband. Request was made to take legal actions against the culprits.

Learned Sr. counsel for the petitioner has vehemently contended that from the bare reading of the contents of the FIR, offence under Section 304-B is not made out. He would submit that the marriage took place on 31.1.2014 and occurrence took place on 14.12.2020 i.e. after 7 years of marriage. He contends that the allegations made in the FIR would reveal that cruelty if at all caused to the deceased was not on account of demand of dowry, but it was on account of alleged illegitimate relation of the petitioner. He submits that in view of the same, at the most, offence could be under Section 306 IPC and not under Section 304-B IPC. He has pointed out that the petitioner is behind bars since 15.12.2020 and now the complainant also stands examined and hence, there cannot be any apprehension against the petitioner of tampering with the ongoing trial, as the material witnesses already stands examined. He submits that the petitioner deserves to be enlarged on bail.

Learned State counsel opposes the submissions made by learned Sr. counsel for the petitioner. He submits that there are specific allegations against the petitioner, who is the husband of the deceased. He would submit that out of 18 prosecution witnesses, 7 witnesses have been examined.

I have heard learned counsel for the parties.

The Court restricts itself only to the prayer made regarding bail. The allegations made by the complainant and the defence taken by the Sr. counsel are to be ascertained only after the trial, on the basis of the evidence led by the parties. In the overall facts and circumstances of the case, I find that the learned counsel for the petitioner has made out a case for grant for

regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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

7.10.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No