

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28924-2020 (O&M)
Date of Decision:- 3.9.2021

Pardeep Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arihant Jain, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Ranbir.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 80, dated 23.4.2018, Police Station Ateli, District Mahendergarh, under Sections 302, 498-A, 304-B, 406, 34 IPC.
2. The FIR was lodged by Dharambir wherein it is alleged that his daughter Ruby (deceased) was married to Pardeep on 7.12.2015 and that several articles of dowry were given at the time of marriage but Pardeep and other members of his family were not satisfied with the same. It is alleged that Ruby used to be beaten frequently by the

accused. It is alleged that on 22.4.2018, Ruby telephonically informed him that she apprehended threat to her life. Later at about 9.30 pm on the said day the complainant received a phone call from Pardeep as regards the deteriorating health of Ruby, but the complainant's daughter was later found dead leading to lodging of the instant FIR which was initially lodged for offence under Sections 498-A, 304-B, 34 IPC but subsequently offence under Section 302 IPC has been added.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and in fact the falsity would be evident from the fact that when the complainant stepped into the witness box, he during the cross-examination has stated that his daughter Ruby and Pardeep were residing separately near Bangalore and that the daughter was residing happily. Learned counsel has further submitted that in any case, the petitioner as on date has been behind bars for a substantial period of 3 years and 4 months and conclusion of trial is likely to consume time as only 16 out of the cited 36 PWs have been examined so far.
4. Opposing the petition, learned State counsel has submitted that in view of the direct allegations levelled in the FIR, no case for grant of bail is made out particularly when even the medical evidence is in consonance with the version given by the complainant. It has further been submitted that although initially offence under Section 304-B IPC was recorded in the FIR but subsequently upon receipt of medical opinion to the effect that it is a case of strangulation, offence under

Section 302 IPC came to be added. Learned State counsel has however, not disputed the fact that the petitioner has been behind bars since the last about 3 years and 4 months. It has also been informed that the petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the long custody of the petitioner i.e. about 3 years and 4 months and the fact that the conclusion of trial is still likely to consume time as only 16 PWs out of the cited 36 PWs have been examined so far, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

3.9.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No