

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

**CRM-M-32297 of 2021 (O&M)
Date of decision: October 28, 2021**

Gulab

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Partap Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

This is second foray of petitioner before this court, seeking regular bail in FIR No. 144 dated 19.10.2019, registered under Sections 304-B, 498-A IPC (Section 316 IPC added later on) at Police Station, Titram, District Kaithal, having got the first petition dismissed on merits on 28.08.2020.

2. Per FIR, deceased was married to the petitioner somewhere in 2017. She died an unnatural death on 19.10.2019 i.e. within two and a half years of her marriage. Her dead body was found hanging with ceiling fan. FIR was registered on the complaint of brother of the deceased, wherein he is stated to have suspicion of murder of his sister by her in-laws for want of dowry and not agreeing to abort the pregnancy.

3. Learned counsel for the petitioner submits that petitioner is in custody since 28.10.2019. He further submits that co-accused of the

petitioner, namely, Kamla (mother-in-law) has been granted regular bail by the trial Court. He further submits that there are no specific allegations against the petitioner.

4. Per contra, learned State counsel opposes the bail plea. He submits that deceased was pregnant and it cannot be expected of a lady to commit suicide during that stage. He has also pointed out that a note too was recovered from the scene of incident, wherein the deceased had written that her husband, i.e. petitioner consume liquor daily which resulted in everyday quarrel.

5. I have heard the rival contentions of the respective learned counsels.

6. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. But the trial is not likely to conclude soon in view of the situation arisen due to pandemic. The investigation is already over and charges have been framed. The case before the trial court is now fixed for prosecution evidence.

7. Material witnesses have already been examined and they have not supported the prosecution version. On a Court query, learned State counsel does not dispute the same. There seems no apprehension that petitioner would influence or pressurize the witnesses.

8. Considering the overall scenario and also granting the concession of parity, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

(ARUN MONGA)
JUDGE

October 28, 2021
mahavir

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No