

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

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**CRM-M-33153-2021(O&M)
Decided on : 08.09.2021**

NASIR

....Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Farukh Abdullah, Advocate
for the petitioner.

Ms.Gagandeep Kaur, AAG Hayana
assisted by HC Sushil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the 2nd petition filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.223, dated 13.11.2019 under Section 498-A and 304-B of the IPC registered at Police Station Bahin, Tehsil Hathin, District Palwal, Haryana.

Learned counsel submits that the deceased, who was the wife of the petitioner, had ended her life on account of her mood swings. He submits that the allegations levelled in the FIR that she was being subjected to mental and physical harassment on account of demand of car etc., are patently incorrect as there was no complaint made prior to the alleged occurrence by the complainant or anyone from his family in the said regard.

He further submits that he is entitled to the concession of default bail also since the challan was presented just a day prior to the expiry of the stipulated period of 90 days.

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner on instructions from HC Sushil Kumar has submitted that the deceased died within 5 years of her marriage with the petitioner. She has further submitted that there are specific allegations of the deceased being continuously ill-treated and threatened by the petitioner for getting a car and Rs.2 lacs from her family. Learned State counsel has also controverted the submission made by the learned counsel for the petitioner that no complaint was ever made prior to the occurrence in question. She, while inviting the attention of this Court to the FIR in question (Annexure P-2) has submitted that it was clearly stated therein that on a number of occasions, efforts had been made by convening a Panchayat to pacify the petitioner, however, the same had been in vain. She has further submitted that the post-mortem report, which was conducted on the deceased, revealed that there were 15 injuries found on her person, which lent credence to the deceased being physically assaulted before she committed suicide by hanging in her matrimonial home on 13.11.2021.

Heard.

Prima facie, there are serious and specific allegations levelled against the petitioner of mentally and physically harassing his deceased wife for which he does not deserve the concession of bail.

Petition stands dismissed. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 08, 2021
S.Sharma(syr)

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