

213.

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

CRM-M-35125-2021

Date of Decision: 04.10.2021

RAVINDER

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aman Pal, Advocate,
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Sushil Bhardwaj, Advocate,
for the complainant.

JAISHREE THAKUR.J (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.156, dated 20.04.2021, registered under Sections 304-B, 498-A of IPC, at Police Station Sadar Thanesar, District Kurukshetra.

Learned counsel for the petitioner would contend that the allegations, as set out in the FIR regarding harassment and demand of dowry being a cause of the deceased committing suicide, are patently false as there is enough evidence available to substantiate the fact that the deceased took her life on account of the dreaded disease that she was suffering from i.e. Hydrocephalus. The said disease pertains to a situation when there is

buildup of fluid in the cavities (ventricles) deep within the brain. It is argued that there is a whatsapp chat available which would reflect that the deceased herself did not want to survive on account of said complications. It is further argued that the medical as attached with the petition pertaining to Arvind Hospital, Karnal has been obtained when the deceased was residing with her parents and, therefore, the question of the petitioner, who is a resident of Kurukshetra having obtained the said medical prescription, would not arise. It is also argued that on the similar set of facts, his parents have been exonerated, while contending that the investigation is complete, challan presented and his custody would no longer be required.

On the other hand, learned State counsel as well as counsel for the complainant would submit that challan has been presented, however, there is no reference to the medical prescription as relied upon by the counsel for the petitioner and neither have the whatsapp chat been made the part of the record.

I have heard learned counsel for the parties and looking into the fact that the challan has been presented and the petitioner herein would not be in a position to influence the investigation, deem it appropriate to allow regular bail to the petitioner. The contention that there is a medical available with the petitioner and that there is also evidence which would reflect that the deceased herself was fed up with her medical condition, of course is a matter of trial. Another consideration for allowing bail to the petitioner is that there is a minor child of the deceased and the petitioner who is residing with his parents.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹2 lakhs with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

04.10.2021

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