

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

CRM-M-36446-2020 (O&M)

Date of decision: 25.01.2021

Naresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Written reply filed, which be taken on record.

This petition for regular bail has been filed by petitioner Naresh, an accused in FIR No.338 dated 04.09.2019, for offences under Sections 498-A, 304-B and 406 IPC, registered with Police Station Hathin, District Palwal.

Briefly stated facts of the case are that, Neetu daughter of Lohre son of Harchandi was married with petitioner/accused Naresh on 11.02.2014 and sufficient amount was spent by her father at that time, however, after the marriage Neetu was harassed and maltreated by her husband and his parents for not bringing car in the dowry and not fulfilling their other demands; Neetu was given beatings and turned out

of the matrimonial home, however, on account of counseling done by her father, Neetu returned to the matrimonial home; Neetu had given birth to two sons, elder one aged about 02 years and younger aged about 09 months; after birth of second child, accused again started demanding more dowry; Neetu was fed up with such treatment; on 03.09.2019 at about 8.00 AM, she made a mobile call to her father from mobile of her husband Naresh and told that her husband Naresh, mother in-law Saroj and father in-law Joginder had given beatings to her and had administered her poison; after this conversation, he went to Gurunanak Dev Hospital and found her daughter Neetu to be there; Neetu was having a lot of pain, since she was not admitted in Gurunanak Dev Hospital, complainant took her to Sarvodya Hospital, Sector 8, Faridabad, where she died due to poisoning; on information being given to the police by complainant Lohre, formal FIR in the matter was recorded; accused was arrested in this case on 25.11.2019; after completion of investigation and other formalities, challan against him has since been filed in the Court and he is facing trial there.

Petitioner/accused had filed applications for grant of regular bail before the Court of Sessions at Palwal but those applications were dismissed. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record and I find that no ground is made out for grant of

regular bail to the petitioner. As per prosecution story, a young married girl Neetu fed up with her harassment and maltreatment in connection with demand of dowry by her husband Naresh (present petitioner) and his parents, had been administered/consumed poison, resulting in her death. According to the prosecution story, the petitioner and his parents had murdered/abetted suicide of Neetu. Although, on completion of investigation, challan against the petitioner only has been filed, nevertheless, the fact that parents of the petitioner were not found to be involved in the crime, as a result of investigation does not mean that the allegations against the petitioner get diluted or that he is entitled to get benefit of this fact by default. The prosecution has an opportunity of getting the parents in-law summoned to face trial by moving an application under Section 319 Cr.P.C. However, one thing is clear that the petitioner cannot get any advantage of the fact that though allegations were levelled against his parents also but they have not been challaned by the investigating agency. The investigating agency could gather sufficient evidence against the petitioner so as to forward him to face trial in the Court. The case is at initial stage fixed for arguments on the point of framing of charge. It is submitted by State counsel that on account of outbreak of COVID-19 pandemic, the proceedings in the case were held up for a considerable period, inasmuch as, though the challan was filed in the Court on 23.01.2020, the charge is yet to be framed and now the case is fixed for 18.01.2021 for that purpose. Of course, it was an unprecedented situation and

neither the prosecution nor the accused side can be blamed for stretching of proceedings, however, physical hearings have since resumed in the Courts at district level and it is expected that the trial Court would make earnest efforts to conclude the trial expeditiously, by giving short adjournments. However, as the things stand, after framing of charge, the statements of the material witnesses are yet to be recorded. The allegations against the petitioner are very grave and serious, which alone do not warrant grant of regular bail to him. The concern raised by learned State counsel that in case the petitioner is released on bail, there is every likelihood of his absconding, in the process delaying the trial and trying to tamper with the prosecution evidence by threat or inducement cannot be brushed aside lightly, more particularly, when he is said to be involved in another criminal case bearing FIR No.75 of 2008, under Section 307 IPC, registered at Police Station Hathin, Palwal, thereby showing that he is a habitual criminal. Under the circumstances, no case for grant of regular bail to the petitioner is made out. The petition being without merit stands dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

25.01.2021
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(H.S. MADAAN)
JUDGE

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