

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

208

CRM-M-37013-2020(O&M)

Decided on : 13.10.2021

VISHNU GUPTA

....Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Jagmohan Singh Ghuman, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

MANJARI NEHRU KAUL, 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.181 dated 30.06.2019 under Sections 498-A, 304-B, 406 and 34 of the IPC registered at Police Station Sector 37, District Gurugram.

Learned counsel for the petitioner submits that the petitioner, along with other members of his family, has been falsely implicated in the case in hand on the allegations of subjecting his wife to continuous mental and physical harassment, on account of not getting dowry as per expectations. He further submits that a perusal of the contents of the FIR clearly reveal that general and vague allegations have been levelled against not only the petitioner but against the whole family of the petitioner. Further submits that the mother-in-law and father-in-law of the deceased have since been extended the concession of regular bail by the trial Court. He submits that had it been a case of deceased being subjected to physical

harassment, some external injury would have come in the post-mortem report, however, that is not the case in hand. He, therefore, submits that since the complainant stands examined, further incarceration of the petitioner would not serve any purpose.

Per contra, learned State counsel while opposing the prayer of the counsel opposite has submitted that in the wake of the physical and mental torture meted out to the deceased-wife by the petitioner, he be not extended the concession of bail. She has further conceded that both the material witnesses including the complainant stand examined and 09 more witnesses remained to be examined.

I have heard learned counsel and perused the material on record.

The material witnesses stand examined and there is no likelihood of the trial concluding any time in the near future as 9 more witnesses remained to be examined. The petitioner has been in custody since 30.06.2019. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. 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

October 13, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>