

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.38141 of 2020(O&M)
Date of Decision: 23.03.2021

Sunil @ Neel

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Navmohit Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.162 dated 16.06.2020 registered under Sections 306, 498-A IPC at Police Station Civil Lines, District Kaithal.

[2]. The FIR was registered at the instance of complainant Sanjiv @ Sonu with the allegations that his sister Sonia was married to the petitioner in the year 2011. Sufficient dowry was given in the marriage. Out of the wedlock, two children took birth namely Kanak (daughter) aged 8 years and Kanav (son) aged 5 years. The allegations are that after the marriage, in-laws of Sonia including the petitioner, father-in-law Ramphal and mother-in-law Kaillo Devi started harassing sister of the complainant as they were not happy with the dowry. They used to taunt and beat the sister of the complainant. Sister of the complainant informed the complainant about the torture. Panchayat was convened on several occasions. 3-4 days earlier, a demand was raised by the petitioner and other in-laws of the sister of the complainant for Rs.5 lacs. Sonia came to the parental house. Father of the complainant was unable to give such huge amount in lump sum. On 15.06.2020, the petitioner dropped his sister Sonia at her in-laws house after making her to understand by his father. Complainant received a call from his sister at about 11:00 PM, who informed the complainant that her husband and in-laws were giving beatings to her on the pretext of dowry. Complainant made her to understand that he will come in the next morning. On 16.06.2020, the complainant received a call at about 3:00 AM that his sister Sonia has died due to hanging and her dead body is lying in the hospital.

[3]. Learned counsel for the petitioner submitted that after the marriage being performed in the year 2011, there was no complaint of any harassment and bringing insufficient dowry by anyone. The wife of the petitioner was having strained relations with her brother. She was quite upset as she was called by her brother on that day. Learned counsel further submitted that even as per allegations, no offences under Sections 498-A, 306 IPC are made out as ingredients of the offences are missing altogether. During course of investigation, offences under Sections 304-B and 34 IPC were deleted and offence under Section 306 IPC was added. Co-accused Ramphal (father-in-law) and Kaillo Devi (mother-in-law) were found to be innocent. Challan has already been presented on 11.08.2020.

[4]. On the other hand, learned State counsel duly assisted by learned counsel for the complainant submitted that the proceedings of domestic violence indicated that the deceased was being insulted, compelled to leave job, mentally and physically harassed by the petitioner. The deceased also sold her jewellery for paying loan of the petitioner. They also relied upon domestic violence proceedings to contend that the deceased had clearly alleged physical and mental harassment by the petitioner and other in-laws since long. Proceedings under Domestic Violence Act dated 04.11.2019 are suggestive

of the fact that the deceased was not pulling well with the petitioner and his family. Minor children were living with the deceased. Proceedings under domestic violence have also been made part of the challan.

[5]. Since the death has taken place in the house of the petitioner, therefore, it would be seen by the trial Court whether the suicide was the result of continuous harassment meted to the deceased by the petitioner. No prosecution witness has been examined so far. Police has also filed supplementary challan along with domestic violence proceedings, which are also made part of the challan.

[6]. In view of above, no case is made out to grant regular bail to the petitioner at this stage.

[7]. Dismissed.

23.03.2021*Prince***(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No