

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

211

CRM-M-40653-2020(O&M)

Decided on : 30.09.2021

RAM MEHAR

....Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through video conferencing)

PRESENT: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Gaganpreet Kaur, AAG Haryana
assisted by ASI Mahavir Singh.

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.0205, dated 15.05.2020 under Sections 120-B and 304-B, of the IPC registered at Police Station City Tohana, District Fatehabad.

Learned counsel submits that the petitioner has been in custody since 15th May, 2020 in a case of false implication. He submits that it is the admitted case of the complainant herself that the petitioner and her daughter

(i.e., deceased) had solemnized a love marriage just 03 months prior to the occurrence in question. Thereafter, they had approached this Court for protection of their life and liberty, as the family of the deceased was extending threats and not accepting their marriage. This Court had then directed the authorities concerned to look into the threat perception and protect their life and liberty. Learned counsel submits that younger brother committed suicide for the huge embarrassment faced by the family in the village on account of the love marriage solemnized between the petitioner and deceased. Learned counsel submits that there was enough material in the shape of telephonic calls to suggest that the complainant i.e., the mother of the deceased, had thereafter been blaming the deceased for the untimely death and suicide of her younger brother. Learned counsel submits that it was due to this, the deceased would remain disturbed and ultimately on 15.05.2021 hanged herself to death. While inviting the attention of the Court to the post mortem report, learned counsel submits that the allegations that the deceased was subjected to physical assault are clearly belied from the fact that no external injuries were found on her person. It has also been submitted that the complainant had levelled allegations of harassment against all the family members of the petitioner, which during during investigation were found to be without any substance as a result of which they were placed in column No.2 and only the petitioner was challaned on account of his relationship with the deceased.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from ASI Mahavir

Singh has submitted that there were specific allegations levelled in the FIR against the petitioner and his family of harassing the deceased on account of dowry. She has, however, not been able to controvert the fact that the petitioner had solemnized love marriage with the deceased and had also approached this Court for protection of their life and liberty as there were threats being extended to them by the family members of the deceased. She has also not been able to controvert the factum of no external injuries having been found on the person of the deceased. She has apprised the Court that charges stand framed and the prosecution evidence is due to commence in November, 2021.

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

No doubt the deceased died within a year of her marriage with the petitioner, however, it is also a matter of record that the complainant party was averse to the marriage of the petitioner with the deceased as a result of which this Court too had been approached for protection of life and liberty as they were receiving continuous threats from the complainant side. The contention of the learned counsel for the petitioner that there was evidence in the shape of phone calls etc that due to the complainant blaming the deceased for the suicide of her brother, she had hanged herself, shall be considered by the trial Court at the appropriate stage of the case.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed as the trial is unlikely to conclude in the near future. 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

September 30, 2021
S.Sharma(syr)

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