

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-46683 of 2021
Date of decision:17.12.2021

Pawan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Puneet Kakkar, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.389 dated 02.12.2020 registered under Sections 304-B and 120-B of Indian Penal Code, 1860 at Police Station Kherki Daula, District Gurugram (Annexure P-1).

Criminal law has been set in motion on the complaint of Vijay Pal, father of the deceased on the allegation that his daughter, Puja was married to Pawan (present petitioner) on 12.03.2019 and was harassed on account of dowry by her husband and in-laws, who later murdered her. It has been alleged that petitioner confessed to the murder on phone to the complainant.

Counsel for the petitioner submits that the petitioner, who is the husband of the deceased is totally innocent. He has referred to an affidavit dated 02.07.2021 (Annexure P-2) executed by the complainant as well as statements of the complainant and Veerpal, uncle of the deceased, appended as Annexures P-3 and P-4, respectively, wherein, while appearing in the witness-box as PW1 and PW2, they have deposed that Puja was being treated well by her husband and her in-laws and there was neither any demand of dowry nor was she harassed for it. Counsel submits that the said witnesses have further stated that she was under depression due to her illness and committed suicide and there was no instigation on the part of the petitioner or his parents. He asserts that the petitioner, who is in custody since 02.12.2020, has clean antecedents and deserves to be enlarged on bail as he is no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Ishwar Singh, has opposed the petition and by referring to the status report filed by way of an affidavit of Assistant Commissioner of Police, Manesar, Gurugram submits that there are specific allegations against the petitioner in the FIR. She submits that the prosecution witnesses have apparently been won over by the accused. As per her instructions, challan against the petitioner has been presented on 01.02.2021, charge has been framed and 09 out of total 14 prosecution witnesses have been examined.

Having considered the above circumstances, this Court is of the view that complicity of the petitioner in the offence is controvertible and the petitioner, who is in custody for the last more than one year, would be

entitled to be released on bail as the material witnesses have been examined and the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

December 17, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>