

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

CRM-M-44055-2020(O&M)

Date of decision : 09.08.2021

Sumit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Rosi, Advocate for the petitioner.

Ms. Ambika Sood, Addl. AG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.622 dated 06.09.2019 under Sections 304-B, 201, 34 of the Indian Penal Code, 1860 registered at Police Station Assandh, Karnal.

Learned counsel for the petitioner would contend that the petitioner has been in custody since 18.09.2019 and the trial is not proceeding and the charges have also not been framed.

Learned counsel for the State has filed a short reply by way of an affidavit of Gajender Singh, HPS, Deputy Superintendent of Police, Assandh, Karnal wherein it has been stated that the complainant Ramesh Kumar had alleged that his daughter Sonia had solemnized Court marriage with the petitioner about one year and four months prior to lodging of the

FIR. A few days before her death, she had talked to her maternal grandmother and she told her grandmother that she was being harassed for dowry by her brother-in-law, husband and mother-in-law and she was being given daily beatings and she was fed up of these persons. Thereafter, her maternal grandmother tried to contact her a number of times but she was not contactable. On 01.09.2019 the complainant came to know that his daughter had been killed four days ago and further that they had apprehended grave danger to their lives and did not want to go to their daughter's house without any police protection. On the said allegations the FIR was lodged. The petitioner was arrested on 18.09.2019 and during the course of investigation the petitioner suffered a disclosure statement before the Investigating Officer stating that he and the deceased had solemnized their marriage on 07.05.2018 and, thereafter, he started to harass the deceased to bring money from her bank account for purchasing a motorcycle. When the deceased showed her inability to bring the money, he started beating her and after pressurizing her, the deceased brought ₹38,000/- from her bank account situated in village Kalram. The petitioner is stated not to have purchased the motorcycle but spent the money. Thereafter, on his demand, the deceased brought gold earrings, which also he sold. The deceased is stated to have ended her life by hanging herself with a chunni. This fact was also not disclosed to anyone and it was stated that the deceased had died due to a heart attack. Thereafter, the chunni used by the deceased for hanging was burnt along with dead body in the crematorium. There was no information given about the death of the deceased to her parents and after four days of her death, they came to know that their daughter had died.

Heard.

First petition filed by the petitioner being CRM-M No.14134 of 2020 was dismissed as withdrawn on 21.07.2020.

Learned counsel for the petitioner has not been able to point out any change in circumstances. A perusal of the status report reveals that after the deceased is stated to have hung herself with a chunni, she was neither taken to the hospital and, in fact, her cremation was also done in a hurry and the chunni stated to have been used for hanging was also burnt along with the dead body. Her family members were also not informed about the death of their daughter till four days after the death.

Keeping in mind the gravity of the offence and also the fact that no change in circumstances has been pointed out by learned counsel for the petitioner, I do not deem this to be a fit case for grant of regular bail to the petitioner. This petition is dismissed.

However, since the petitioner has been in custody since 18.09.2019 and charges are yet to be framed, the Trial Court is requested to expedite the trial.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

09.08.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO