

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-386-2022
Date of Decision: 28.02.2022

SANDEEP @ SANDEEP SHARMA
V/S

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

The petitioner is seeking regular bail in case bearing FIR No. 468 dated 03.08.2021 under Sections 304-B, 498-A IPC registered at Police Station Sadar Bhiwani, District Bhiwani.

Briefly, the case has been registered on the basis of the statement of Shiv Charan, the father of the deceased, alleging that marriage of the deceased was solemnized with the petitioner on 29.01.2017 and a female child, aged about 3 years, was born from the wedlock. The petitioner and his family members had been raising demand of dowry and harassing the deceased. They had thrown her out of the matrimonial house. About two months prior to the occurrence, the petitioner and his family members had left the deceased at the bus stop of Jatu Luhari and since then the deceased had been residing in her parental house. On 03.08.2021, the deceased had committed suicide by hanging herself in the house of the complainant.

Learned counsel for the petitioner contends that marriage of the

petitioner was solemnized with the deceased about 4 years and 7 months ago, a child was also born from the wedlock, who is presently aged about 3½ years and during her lifetime neither the deceased nor her any parental family member had submitted any complaint against the petitioner at any Forum. Moreover, all the relatives of the petitioner have been found to be innocent. The deceased was suffering from migraine and depression and she had committed suicide on account of serious health issues. Furthermore, the deceased had been residing in her parental house for a period of two months prior to the occurrence and the petitioner had been exchanging Whatsapp chats with the deceased which indicate the cordial relations between them. Even the Whatsapp messages were exchanged a day prior to the occurrence.

Learned State counsel has opposed the bail application on the score that the death has occurred within a period of 7 years of the marriage and there are allegations levelled in the FIR with regard to harassment meted out to the deceased on account of demand of dowry. Furthermore, the death has occurred otherwise than in the normal circumstances.

In the case in hand, it is significant to note that the deceased was suffering from health issues and it will be debatable point as to whether she was prompted to commit suicide on account of demand of dowry as putforth in the story of the prosecution. Moreover, the deceased had been residing in her parental house for a period of two months prior to the occurrence. As such, it also becomes debatable as to whether any such alleged demand was raised and on that score the deceased was subjected to cruelty soon before her death. Moreover, there were exchange of cordial

Whatsapp messages between the petitioner and the deceased. The petitioner

is in custody for a period of more than 6 months and the conclusion of trial is likely to take some more time.

Keeping in view the aforesaid circumstances, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.02.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No