

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

221

**CRM-M No.2761 of 2022
Date of decision:07.04.2022**

Rahul @ Rahul Jangra

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhilaksh Grover, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Petitioner has filed this petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of regular bail in case FIR No.196, dated 11.08.2021 registered under Sections 304-B and 498-A of Indian Penal Code, 1860 at Police Station Bhondsi, Gurugram.

As per the case of the prosecution, FIR, Annexure P-1 has been registered on the complaint of Pankaj on the allegation that the marriage of his sister, Pooja was performed with Rahul, present petitioner, on 18.05.2019 and dowry was given beyond their financial capacity but her in-laws were not happy. Pooja was subjected to repeated physical assault and mental harassment by her husband and in-laws. She told the complainant about her traumatic situation and also informed him that her in-laws were demanding a car and more money. After she gave birth to a female child, her harassment increased and Rahul threatened to eliminate her. A call was received on 11.08.2021 at 2:20 pm by Ashok brother of Pooja that she has expired. When the complainant reached the

hospital, he found that her in-laws were not there. He has alleged that she has been killed by her husband Rahul, her sister-in-law Pooja, parents-in-law and an uncle-in-law.

Counsel for the petitioner has contended that although it has been alleged that the deceased was subjected to physical and mental harassment but there is no history of any marital discord nor any complaint was ever given by the deceased or her relatives to Panchayat or any police authority. Counsel urges that in the suicide note, Annexure P-1, the deceased had stated that she has lost her mental balance because of which the entire family is upset and she is going to end all their troubles and no one should be harassed because of her. By referring to the Post Mortem Report, an argument has been raised that there are no injury marks on the body of the deceased and the members of the in-laws' family, who were not at home when she committed suicide, had taken the deceased to the hospital when they reached back, as can be seen from the CCTV recording, Annexure P-6. He asserts that the petitioner who has a clean past and is in custody since 11.08.2021 is entitled to be released on bail as the complainant has been examined.

Per contra, learned State counsel upon instructions from ASI Satyavender and on the basis of the status report filed by way of affidavit of Assistant Commissioner of Police, Sohna, Gurugram, submits that the handwriting on the suicide note matches with the handwriting of deceased as per the FSL report and is an indicator of the fact that she was subjected to cruelty, coupled with the fact that there are allegations of demand of dowry and harassment for not having met the demand, she contends that the ingredients of offence under Section 304-B IPC are

satisfied.

On a specific query, State counsel has informed that custody of 1½ years old female child of the deceased is with the in-laws of the deceased. As per her instructions, an application under Section 319 of Cr.P.C. has been filed, during the examination of the complainant, who has supported the prosecution, for summoning the relatives of the petitioner as additional accused, which is pending.

I have considered the rival submissions of the parties.

Having considered the circumstances of the case, this Court is of the view that complicity of the petitioner in the offence would be subject matter of debate before the trial Court and the petitioner, who is in custody for the last more than 7 months would be entitled to be released on bail as 27 more witnesses are yet to be examined and the trial is not likely to conclude in the near future.

In view of the above, without adverting to the arguments raised, petition is allowed. 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 an expression of opinion on the merits of the case.

07.04.2022

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No