

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-3276-2022

Date of decision : 09.12.2022

Virender Kumar

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. P.S.Sullar, Advocate, for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular in FIR No.451 dated 20.08.2020, under Sections 304-B, 34 of IPC, (Section 328 and 498-A of IPC added later on) registered at Police Station Shahabad, District Kurukshetra.

As per the facts of the case, Jeet Singh father of the deceased-Harmeet Kaur (victim), gave his statement that his daughter i.e. victim got married with Virender Kumar on 26.01.2014. Out of this wedlock, she was having two children a daughter and a son. After some time of her marriage, the in-laws family started taunting her for bringing less dowry. She was told that she did not bring a car in the wedding. She tolerated the continuous maltreatment given to her in the matrimonial home. Many panchayats were also convened. He could not afford a car as he is financially weak, therefore, he collected Rs.2,35,000/- from his relatives in the year 2016 and the same amount

was given to her in-laws family. Despite all this, they were quarreling

with his daughter. On the night of 19.08.2020 at about 11:30 p.m., he received intimation on telephone that the victim was admitted in Adesh Hospital, Morha as a poisoning case. By that time, they reached there, his daughter had already expired. With these allegations present FIR has been registered.

The counsel for the petitioner argued that Virender Kumar was falsely implicated in this case due to some misunderstanding. He never treated the victim with cruelty. He is in custody since long. He will abide by the terms of bail order. The counsel for the petitioner has also placed on record the certified copy of statement of Jeet Singh, father of the victim recorded as PW1, where he did not support the prosecution story. It is prayed that trial may take long time, therefore, he may be granted regular bail.

The bail application is opposed by the learned counsel representing the State. In the status report it is alleged that challan was presented against Virender Kumar on 11.02.2021. The charges have been framed. One application under Section 319 Cr.P.C. has been filed against accused-Babli. It was a case of death by poison. Post mortem report, FSL report are already received. Considering the gravity of offense, the petitioner is not entitle to be released on bail.

I have considered, the arguments and have gone through the record. It is an admitted fact that challan is presented and the petitioner is facing trial. The learned counsel for the petitioner has placed on record certified copy of the statement of Jeet Singh-complainant recorded as PW1. Perusal of statement indicates that during cross examination, he did not support the prosecution version and did not level any allegation against Virender Kumar, regarding

maltreatment or demand of dowry. The other prosecution witnesses are yet to be examined. As per the status report one application under Section 319 Cr.P.C. is also pending. It cannot be ignored that Virender Kumar was arrested on 21.08.2020 and he is in custody till date. The trial of this case may take long time.

Considering the aforesaid facts, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial court/duty magistrate.

(AMARJOT BHATTI)
JUDGE

09.12.2022

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No