

MUKHRAM

...PETITIONER

VERSUS

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.

Mr. Ashit Malik, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Mukhram-petitioner is seeking regular bail in the case bearing FIR No. 252 dated 04.06.2019 under Sections 302/304-B/498-A/406/34 IPC, 1860 (Sections 302/498-A/406 IPC added later on), registered at Police Station Dabua, District Faridabad.

The FIR has been registered on the basis of the complaint made to the police by Gokal Chand, the father of the deceased alleging that the marriage of the deceased was solemnized on 22.02.2015 with Sachin. Substantial expenses were incurred and dowry articles were given at the time of marriage as per demand of the accused. On the demand of the petitioner, a car was also given. The accused has been maltreating and harassing deceased on account of bringing less dowry and on 03.05.2019, the deceased had made a telephonic call to the complainant and narrated the allegations with regard to the mental and physical

complainant received an information with regard to the illness of his daughter, he came to FORTIS hospital and came to know that the deceased has been killed by the petitioner and the co-accused.

Learned counsel for the petitioner contends that the marriage of the deceased was solemnized with the son of the petitioner on 22.02.2015 and the death has occurred on 28.05.2019 after a period of 04 years and 03 months. The petitioner is the father-in-law of the deceased. The petitioner was a patient of papillary carcinoma thyroid and Annexure P-9 is the discharge summary issued by All India Institute of Medical Sciences, New Delhi, India. Subsequent treatment was being given to the deceased after the marriage and expenses were incurred by the petitioner and his family members. Furthermore, as per the medical opinion (Annexure R-7), it was a case of death due to choking and its complications which could not be ruled out. It has been further mentioned that choking is almost accidental in nature, suicidal is rare and homicidal is very rare. It has been further stated that at the earlier instance, a cancellation report was prepared. As per the Medical Board, it was a case of natural death. Furthermore, it was also observed therein that the deceased and her husband were residing separate from her in-laws. Furthermore, there is a delay of 07 days in lodging the FIR. It has been further stated that in the telephonic communication which was made about 25 days prior to the death, there is no allegation with regard to the demand and the only allegation is to the effect that the deceased was being harassed.

Learned State counsel as well as counsel for the complainant have opposed the bail application on the score that the blood was found on the pillow of the deceased and as per the report of the District Attorney, it was a case of smothering. Moreover, it has also been pointed out that few days prior to her death, the deceased had narrated the mental and physical torture being suffered

by her on telephone to her parental family. Moreover, the investigation of the case is still going on.

Be that as it may, there is a categoric opinion of the doctor which is indicative of the fact that it may be a case of natural death. Even otherwise, the crime scene visit report indicates that there blood stains were observed on the pillow cover inside the room, whereas report of Forensic Science Laboratory, Bhondsi (Gurugram), Haryana (Annexure P-7) indicates that blood could not be detected on the pillow cover. The controversy as to whether it was a case of natural death or unnatural death will be a debatable and moot point during the course of trial. Even, at the earlier instance, a cancellation report was prepared on the score that it was a case of natural death and the deceased along with her husband were residing separate from the other family members. However, the cancellation report was not submitted in the Court as its presentation was stayed by this Court in an another matter. Although, the investigation is still going on but the arrest of the petitioner was effected on 19.01.2022, his custodial interrogation is over and has been remanded to judicial custody. As such, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

28.03.2022
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(VIVEK PURI)
JUDGE

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