

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-13065-2022

Date of decision :-15.07.2022

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent-State.

Mr. Aditya Sanghi, Advocate for the complainant.

SUVIR SEHGAL, J.

Vide the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), the petitioner has approached this Court seeking grant of regular bail in FIR No.287 dated 17.11.2021, Annexure P-1, registered at Police Station Bass, District Hansi for offences under Sections 498-A, 406, 506, 323 and 304-B IPC.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Pooja, a 22 year old housewife, on the allegation that she is married to Parveen, present petitioner, and living with her parents. It has been alleged that after the solemnization of her marriage, her parents-in-law and sister-in-law physically assaulted her and raised demand of dowry. Her husband, who consumes liquor on a daily basis, also physically harassed her. She was also threatened that she will be eliminated.

Fed up with the ill-treatment, she came to her paternal home and in the afternoon on 16.11.2021, she consumed a sulphas tablet and wrote a suicide note, which was handed over to the authorities. The complainant expired on 18.11.2021 and offence under Section 304-B, IPC was added. During investigation, except for the petitioner all the accused were found to be innocent and Section 34, IPC was deleted.

Counsel for the petitioner has argued that the petitioner has been falsely framed and the genesis of the dispute between the estranged couple was an extra-marital affair of the deceased. He has referred to the whatsapp chat and email, Annexure P-3, to urge that the deceased was involved with one Amandeep. It is his argument that when the deceased was caught on a video call with her paramour, her parents were informed, who took her to her paternal home. Counsel submits that a petition seeking divorce, Annexure P-4, was instituted in August, 2021 and upon being served, as a counter-blast, she submitted a complaint, Annexure P-5, alleging harassment and cruelty and misappropriation of dowry articles. Counsel submits that upon being called to the Police Station, the petitioner explained the entire situation in writing, Annexure P-6, and submitted an application, Annexure P-7, for taking action against his wife. He submits that petitioner's wife unfortunately committed suicide at her paternal home and the petitioner, who was arrested on 28.11.2021, is not responsible for her death. He asserts that as the investigation is complete and charge has been framed, the petitioner is no longer required for custodial interrogation and deserves to be released on bail.

Opposing the petition, learned State counsel, who is assisted by the counsel for the complainant and upon instructions from L/ASI Poonam

has argued that the deceased had submitted the complaint, Annexure P-6, alleging maltreatment at the hands of the petitioner and his relatives, which culminated in registration of FIR No.733 dated 23.11.2021, though it was registered after her death. Reliance has been placed upon the dying declaration of the deceased, Annexure P-11, recorded by a police official and it has been submitted that the dying declaration has been duly video-graphed. It has been contended on behalf of the respondent that there are 21 witnesses, out of which 04, who are official witnesses, have been examined and the material witnesses are yet to step into the witness-box.

Having heard counsel for the parties, this Court is prima facie of the view that essential ingredients of offence under Section 304-B, IPC are satisfied. The death of petitioner's wife has taken place in unnatural circumstances within 07 years of marriage, petitioner is alleged to have treated her with cruelty and there is a demand for dowry. A separate FIR has been registered on basis of the allegation levelled by the complainant. Dying declaration of the deceased leads credence to the version of the prosecution. Crucial witnesses, including the complainant and the relatives of the deceased, have not been examined. The material sought to be relied upon by the counsel for the petitioner is his defence, which does not deserve to be examined here as this Court is not to conduct a mini trial at the time of deciding the bail petition.

Keeping in view the totality of facts and circumstances, nature of allegations, gravity of offence allegedly committed by the petitioner and the fact that none of the material witnesses have been examined, this Court is of the opinion that the petitioner is not entitled to be enlarged on bail during the pendency of the trial, particularly at this stage.

Petition is hereby dismissed.

Needless to mention, anything said hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.07.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No