

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-15049-2022

Date of Decision: 20.04.2022

WASIM

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.0247 dated 27.08.2021 under Sections 304-B, 498-A and 34 IPC, registered at Police Station Sadar Tauru, District Nuh.

In pursuance of advance notice, learned State counsel has appeared and placed on record custody certificate.

Briefly, the case has been registered on the basis of statement of Barkat Ali, the brother of the deceased, alleging that the marriage of his sister was solemnized with the petitioner on 09.08.2020. On 17.08.2021, the petitioner had sent Whatsapp messages to Abid, the elder brother of the complainant, raising demand of car. On 27.08.2021, a telephonic message was received from the deceased that the petitioner was given beatings to her for not honouring the demand of car. The complainant reached village Chalaka and found that the petitioner had killed her sister.

Learned counsel for the petitioner contends that the complainant as well as material witnesses have not supported the prosecution version. The petitioner is in custody for a period of 07 months and 18 days, not involved in any other case and allegation with regard to

demand of car is not substantiated. Furthermore, the deceased was suffering from some mental health issues and had committed suicide.

The bail application has been resisted by the learned State counsel on the score that the death has occurred due to hanging within a period of about one year from the date of marriage. Though the witnesses have not supported the prosecution version, but there is exchange of Whatsapp chat between the petitioner and brother of the deceased indicating demand of car.

It is significant to note that there are allegations to the effect that the petitioner had sent Whatsapp message to Abid, the brother of the deceased, raising demand of car, but Abid and other material witnesses have not supported the prosecution version. They have specifically denied the allegation with respect to demand of car raised by the petitioner. It is also emerging in the statements that the deceased was suffering from mental disorder and had committed suicide. The petitioner is in custody for a period of 07 months and 18 days.

Keeping in view the aforesaid circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate.

20.04.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No