

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15382-2022
Date of Decision: 09.12.2022

SUNIL MISHRA ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pradeep Virk, Advocate for
Dr. Neha Awasthi, Advocate, for the petitioner.
Mr. Karan Garg, AAG, Haryana.
Mr. Sunny Namdev, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No. 0241 dated 30.08.2021 under Sections 304-B/34/406/498-A IPC (Later on Section 34 IPC deleted), registered at Police Station New Colony, District Gurugram.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of sister of the deceased alleging that the marriage of the deceased was solemnized on 11.05.2018 with the petitioner. The petitioner alongwith his father Pradeep Mishra, mother Kamlesh and brother Anil Mishra were not happy with the dowry articles. Soon after the marriage, they started raising demand of Rs.10 lac and the deceased had telephonically informed her mother in this regard. The deceased had committed suicide on 29.08.2021.

Learned counsel for the petitioner contends that during the course of investigation, the other relatives of the petitioner have been found innocent against whom substantially similar allegations were levelled. Even the application under Section 319 Cr.P.C. for summoning the parents and brother of the petitioner as accused has been dismissed by the learned trial Court. The witnesses are deliberately avoiding to appear in the Court. The petitioner has raised a specific allegation to the effect that Om Narain, who is co-brother of the petitioner is raising a demand of Rs.10 lac for the purpose of the witnesses to resile during the course of their statement in the trial Court. Even, the audio recording was handed over to the Investigating

Agency but now the Investigating Agency is seeking to dispute such version as put forth by the petitioner. However, the witnesses will be confronted with such audio recording during the course of their cross-examination. There are vague allegations with regard to demand of Rs.10 lac. Although, there are allegations to the effect that the beatings were given to the deceased but the same are not supported with any medical evidence. So far, only 01 out of 18 witnesses have been examined by the prosecution.

Learned State counsel and the counsel for the complainant have opposed the bail application on the score that there are categoric allegations with regard to demand of Rs.10 lac and the death has occurred within a period of 03 years and 03 months from the date of marriage. The deceased had also left behind a daughter. Furthermore, the cause of death is Asphyxia due to ante-mortem hanging.

It may be mentioned here that so far only 01 out of 18 witnesses have been examined. The petitioner has put forth a case against the family members of her in-laws with regard to demand of money to resile during the course of their statements in the trial. The summons are being issued to the witnesses but they have not appeared in the trial Court despite four dates having been fixed for prosecution evidence. No specific date has been mentioned with regard to demand of Rs.10 lac in the FIR. Even the parents and brother of the petitioner were found innocent during the course of investigation and the application under Section 319 Cr.P.C. for summoning them as accused has been dismissed. The petitioner is in custody for a period of 01 year 03 months and 05 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitione in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, 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/Duty Magistrate.

09.12.2022
smriti

(VIVEK PURI)
JUDGE

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