

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

CRM-M-16457 of 2021 (O&M)

DECIDED ON: 28th March, 2022

Kulbir

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Kulvir Narwal, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This is a petition seeking regular bail in case of FIR No. 392 dated 26.11.2020, under Sections 302 read with Section 34, 506 IPC, 1860, registered at Police Station Beri District Jhajjar (Later Section 302 IPC dropped and Section 306 IPC added).

As per the case set up, the marriage of the petitioner was solemnized with deceased Monika @ Mona. There are allegations of her being harassed for bringing more dowry, the complainant stated that eight days prior to the death, the deceased was assaulted and Rs.5,00,000/- dowry was demanded and the deceased informed her parents. On 25.11.2020 the deceased made a phone call to her mother at about 8:10 p.m. wherein she repeatedly asked for help for saving her life. The call was disconnected and could not be reconnected again. On the same night, a phone was received from an unknown person and the parents of the deceased along with complainant on reaching the spot found that she had killed herself by hanging.

Learned counsel for the petitioner submits that the petitioner is in custody since 8.12.2020. The FIR was registered under Section 302 IPC, however, challan was presented under Section 306 IPC. It is further argued that as per the deposition of the Doctor who conducted post-mortem, there are no injury marks on the body.

Learned State counsel opposes the prayer and submits that the petitioner is the husband of the deceased, she was being continuously harassed for bringing more dowry and for not bearing a child.

The contention of the petitioner that there was no injury mark found on the body does not enhance the case of the petitioner for grant of bail. As per the allegations, eight days earlier to the incident, the complainant was assaulted for bringing more dowry. It would not be appropriate for this Court to make any further comments on the allegations as it would affect the trial. The allegations that prior to hanging, the deceased made a phone call to the mother seeking help to save her, is an indicator of the circumstance in which she hanged herself. Merely the custody period in itself would not be a ground for grant of bail, moreso, considering that petitioner would be in a position to influence the witnesses and the trial is at the initial stage.

Dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

28th March, 2022
reema

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