

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

CRM-M-17584-2022

Date of Decision: 14.10.2022

Anand

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sauhard Singh, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.44 dated 13.2.2020, registered under Sections 304-B, 34 IPC, at Police Station Israna, District Panipat.

As per factual matrix of the case, the petitioner was married with the deceased on 31.12.2017. Though there was no issue out of the marriage, however, unfortunately deceased-Monika committed suicide in the matrimonial home on 12.2.2020. A complaint was made by the father of the deceased and on the basis of the same the present FIR was lodged. It was alleged by the complainant i.e. the father of the deceased that he gave enough dowry in the marriage of his daughter, however, her in-laws were not satisfied with the same and on account of the same, they started harassing his daughter. It was alleged that though they tried their level best to satisfy the demand of her in-laws, however, they never mend their ways and finally his daughter committed suicide by hanging on 12.2.2020.

Request was made to take legal action against the culprits. After registration

of the FIR, the investigation commenced. During the investigation, challan was presented against the petitioner (husband) and his mother (mother-in-law). The allegations qua the rest of the accused named in the FIR were not substantiated. The petitioner was arrested on 15.2.2020. He approached the Court of learned Addl. Sessions Judge, Panipat for grant of bail, who, after hearing the parties, declined the same vide order dated 3.2.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned senior counsel for the petitioner has vehemently contended that the petitioner has been implicated in this case only being the husband of the deceased. He has submitted that the petitioner was married with the deceased on 31.12.2017 and there was no dispute between the husband and wife. He has submitted that there was no occasion for the petitioner and his family members for harassing the deceased on account of demand of dowry. He has submitted that the deceased committed suicide on 12.2.2020 and from the reading of the allegations in the FIR, it is evident that the statement before the Police was not given promptly and the same was given after due deliberation. He has submitted that the allegations made in the FIR are totally without any basis. He has submitted that since the marriage, there was no complaint whatsoever substantiating the allegations made by the complainant regarding cruelty and harassment caused by the petitioner to the deceased. He submits that the petitioner has no criminal antecedents. He submits that even otherwise the prosecution has already examined a majority of prosecution witnesses and thus, the petitioner is not even in a position to influence the prosecution witnesses. He submits that

further incarceration of the petitioner in the overall facts and circumstances of the case, is not warranted as the co-accused i.e. mother of the petitioner is already on bail.

Learned State counsel has submitted that the deceased died an unnatural death within three years of the marriage. He has submitted that the author of the FIR i.e. the father of the deceased made specific allegations against the petitioner. He has submitted that in all there are 23 prosecution witnesses, out of which 14 witnesses already stand examined and the material witnesses have also supported the case of the prosecution. He has submitted that as unnatural death has taken place within three years of the marriage on account of harassment caused by the petitioner and his family, the presumption under Section 113-B of the Evidence Act is attracted. He submits that as per the instructions provided to him, the petitioner has no criminal antecedents.

Heard.

Admittedly, the petitioner is the husband of the deceased. He was married with the deceased on 31.12.2017. The petitioner is behind bars since 15.2.2020. The challan is presented against the petitioner and his mother, however, this Court has granted bail to his mother vide order dated 28.1.2022. As per the submissions made before this Court out of totally 23 prosecution witnesses, 14 witnesses already stands examined. There is nothing on record to show that the petitioner has any criminal antecedents. The veracity of the allegations would be evaluated by the trial Court only after conclusion of the trial. This Court would refrain itself from commenting anything on the merits of the case, however, considering the

prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficient long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.10.2022		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No