

MANOJ

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Verma, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 135 dated 02.07.2021 under Sections 304-B IPC, registered at Police Station Garhi, Tehsil Narwana, District Jind.

Briefly, the case has been registered on the basis of the complaint submitted by Raldu Ram alleging that the marriage of his daughter Suman Rani, deceased was solemnized with the petitioner 5 years prior to the occurrence. The family members of her in-laws had been giving beating to her since the beginning. The complainant had given a sum of Rs. 50,000/-, Rs. 25,000/-, Rs. 30,000/- and Rs. 10,000/- at different times. Even dowry articles were given beyond the capacity at the time of marriage. The family members of in-laws were not satisfied with the same. The brother of the petitioner had also been extending help in giving beatings to the deceased. On 30.06.2021, the petitioner along with his brother had administered some toxic substance in connivance with each other and hanged the deceased. She was shifted to the hospital where she died during the course of treatment.

Learned counsel for the petitioner contends that false allegations have been levelled in the FIR. The FIR has been registered after a delay of 2 days on 02.07.2021. In fact, the complainant had made a statement at Annexure P-3 to the police on 01.07.2021 wherein it has been alleged that the deceased was living happily in the matrimonial house. He had also visited the in-laws' house of the deceased on 29.06.2021 on a call given by the deceased as the petitioner could not work due to allergy in his hand. The complainant had handed over a sum of Rs. 5,000/- to the deceased and stayed in the house for about 2 hours. The deceased was quite well at that point of time. On the following day, the complainant received a telephonic call from the petitioner who informed that the deceased had not slept during the night and her mental condition was not good. The deceased was shifted to the hospital at Tohana and thereafter to Hisar and she died during the course of treatment. It was specifically and categorically mentioned in the said statement that the deceased had ended her life by hanging due to mental stress and no one is liable for the same. Furthermore, the statement of the complainant during the course of trial has also been recorded and he has admitted the fact of recording of such statement during his deposition.

Learned State counsel has opposed the bail application on the score that the death has occurred under unnatural circumstances within a period of 7 years of marriage. The deceased was being subjected to harassment and cruelty on account of demand of dowry and father of the deceased has supported the version of the prosecution during the course of trial. Furthermore, it is unnatural that a person will commit suicide without any harassment being meted out to her.

Be that as it may, the first version of the case was unfolded in the statement, Annexure P-3 of the complainant which was recorded on 01.07.2021. There is no allegation with regard to any cruelty or harassment meted out to the deceased on account of demand of dowry. Said statement is absolutely silent with regard to passing of any amount by the complainant to the petitioner at any point of time. It is categorically mentioned in the statement that the deceased had ended her life by hanging due to mental stress and no one is liable for the same. A different version has emerged on the following day in the complaint, on the basis of which FIR has been registered. The genuineness of the rival allegations is to be seen during the course of trial. The petitioner is in custody for a period of 9 months and 18 days and is not involved in any other case. Only 2, out of 15 witnesses are stated to have been examined so far. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

24.05.2022

Janki

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