

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

222+104

CRM-M No.23092 of 2022 (O & M)
Date of decision:20.09.2022

Inam

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

CRM-35661-2022

Application is allowed as prayed for.

Post Mortem Report of the deceased is taken on record as
Annexure P-2.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.150 dated 28.03.2021 registered under Sections 498-A, 304-B and 34 of IPC, 1860, at Police Station Nuh, District Nuh.

Version of the prosecution is that FIR has been registered on the statement of Iqbal, father of the deceased, on the allegation that he

performed the marriage of his daughter-Nahida with Inam (present petitioner) on 26.12.2019. However, on the very next day, the accused called him and told him that they were not satisfied with the dowry. Her daughter came back to her parental home and with the intervention of some respectables, she was rehabilitated when a demand of a *Creta* car and Rs.2 lac, in cash, was made, his daughter tried to reason out with the in-laws family and informed the complainant about 10 days prior to her death that she was being physically assaulted. On 28.03.2021, father-in-law of the complainant's daughter made a telephonic call and informed the complainant that his daughter was sick. When the complainant reached her matrimonial home, he found her lying dead there.

Counsel for the petitioner has contended that although there are allegations of harassment and physical assault as well as demand of dowry, but both the complainant, Iqbal as well as Anas, brother of the deceased, who have been examined as PW-1 and PW-2, respectively, have not supported the allegations. By referring to their testimonies, counsel submits that they have stated that Nahida was suffering from depression and had committed suicide. Counsel has also made a reference to the PMR of the deceased, Annexure P-2, to submit that the ligature mark on the body shows that it is a death by hanging. Counsel asserts that the petitioner, who is in custody since 29.04.2021, deserves to be enlarged on bail as the star prosecution witnesses have been examined and they have not supported the case of the prosecution.

Per Contra, State counsel, upon instructions from ASI Ashok Kumar, has opposed the petition. She submits that there are specific

allegations against the petitioner and the ingredients of offence under Section 304-B of IPC are satisfied. She submits that an alternate charge under Section 302 of IPC has been framed against the accused. She further submits that the trial is at an initial stage as 03 out of 16 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the culpability of the petitioner in the offence would remain a subject matter of debate before the trial court. Considering the length of custody of the petitioner of more than 01 year and 04 months and the nascent stage of the trial, this Court is inclined to accept the prayer made in the petition.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.09.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No