

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.32433 of 2021 (O & M)
Date of decision:30.05.2022

Jagjit @ Kala

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Gurshabad Singh Sandhu, Advocate
for the complainant.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, (for short “the Code) for grant of regular bail in case FIR No.52 dated 18.02.2021 registered for offences under Sections 201, 304-B, 498-A, 34 of IPC, 1860, and in the alternative, Section 302 of IPC, at Police Station Sadar, Jhajjar, District Jhajjar.

As per the version of the prosecution, FIR has been lodged on the statement of Ishwar on the allegation that his daughter-Pooja was married to Anuj on 10.11.2019 and he gave dowry much beyond his capacity. However, she was harassed by her husband and her parents-in-law, namely, Seema and Jagjit (present petitioner), who were not happy

with the dowry articles. In August 2020, the accused physically assaulted her and turned her out of the matrimonial home. She gave birth to a baby boy and was sent back to her matrimonial home with expensive gifts, which again did not satisfy the accused and they continued harassing her. At about 10.30 AM in the morning on the fateful day, his brother, Jai Kumar, received information that his daughter was being physically assaulted and at 05.30 PM, Jagjit, present petitioner, informed his son, Amit, that his daughter had committed suicide.

By referring to the Certificate, Annexure P-1, issued by Gram Panchayat, Dawla, Block and District Jhajjar, counsel for the petitioner contends that the petitioner has been separate in residence from his son and daughter-in-law. Counsel submits that petitioner's wife, namely, Seema had been ordered to be released on bail by this Court, but she has unfortunately expired as she was suffering from cancer. He submits that besides Anuj, the petitioner has three minor children and there is no family member to take care of them. He asserts that the petitioner, who has clean antecedents and is in custody since 24.02.2021, deserves to be enlarged on bail as crucial prosecution witnesses have been examined.

Per Contra, State counsel, upon instructions from ASI Sunil, has opposed the petition and has submitted that considering the serious nature of allegations levelled against the petitioner, he does not deserve the concession of bail. Still further, upon further instructions, she submits that both the complainant, Ishwar as well as Amit, brother of the deceased, have been examined and they have supported the case of the prosecution. She is assisted by counsel for the complainant, who submits

that besides the petitioner, his sister is available to take care of the children.

Having considered the submissions made by counsel for the parties, considering the period of incarceration as well as the fact that three minor children of the petitioner do not have any immediate relative to look after them, this Court is of the view that petitioner is entitled to be released on bail as 09 more prosecution witnesses are yet to be examined and there is little possibility of an early conclusion of the trial.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing heavy 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.

30.05.2022
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(SUVIR SEHGAL)
JUDGE

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