

211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29340-2022

Date of Decision: August 06, 2022

Krishan Kumar @ Kana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Manish Mehta, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

.....

RAJESH BHARDWAJ, J.(ORAL)

This is the second petition filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.78, dated 16.03.2021, under Sections 498-A, 304-B, 406 IPC, registered at Police Station Nangal Chaudhary, (Annexure P-1).

Admittedly, the petitioner earlier approached this Court praying for grant of regular bail by way of filing CRM-M-38800-2021, which, after arguing for some time, was dismissed as withdrawn vide order dated 10.05.2022.

As per the facts of the case, the FIR in question was lodged by brother of the deceased, namely, Om Parkash. It was alleged that his sister Priyanka was married with Krishan Kumar, i.e. the petitioner on 14.05.2019. They gave enough dowry as per their capacity. However, soon after the marriage, her husband and in-laws gave her beatings many times due to bringing less dowry. One night prior to the occurrence, the mediator gave

him information that Priyanka told him that she was mercilessly beaten by her husband Krishan. He informed this incident to Priyanka's father Satpal at about 6.30 p.m. that either Priyanka has committed suicide by herself on account of harassment caused by her in-laws to bring dowry or her husband and other family members had murdered her by hanging her. The FIR was lodged for taking the legal action against the culprits. As a result, the investigation commenced and the petitioner was arrested on 17.03.2021.

Counsel for the petitioner submits that the marriage in question has taken place on 14.05.2019 and thereafter the bride Priyanka committed suicide on 16.03.2021 by hanging as she was not mentally stable. He submits that by nature she was very aggressive and hence she hanged herself. He has submitted that the allegations against the petitioner regarding causing harassment on account of dowry are totally false and frivolous and no offence under Section 304-B IPC is made out. He has submitted that on earlier occasion the complainant, Om Parkash, made a statement before the Court on 06.10.2021 that this matter has been compromised and hence the petitioner be granted bail. He submits that the material witnesses have not supported the case of the prosecution and thus, the petitioner deserves to be granted the concession of bail.

However, learned State counsel has opposed the submission made by counsel for the petitioner. He has submitted that the marriage of the petitioner with the deceased took place on 14.05.2019 and the deceased died due to hanging on 16.03.2021. He submits that it was an unnatural death within seven years of the marriage on account of demand of dowry. Thus, the offence under Section 304-B IPC is made out and hence petitioner does not deserve to be granted bail. He also submits that the earlier petition

filed by the petitioner for the same relief was dismissed as withdrawn on 10.05.2022.

Heard.

After hearing the counsel for the parties, it is apparent that the marriage in question took place on 14.05.2019 and the death of the deceased occurred on 16.03.2021. There are specific allegations of causing harassment to the deceased on account of bringing less dowry. As the unnatural death has taken place within seven years of the marriage due to demand of dowry, presumption under Section 113-B of the Evidence Act is attracted. Even otherwise, earlier petition filed by the petitioner for the same relief was dismissed as withdrawn on 10.05.2022 and hence, this Court even otherwise does not find any further material change in the circumstances as existed on 10.05.2022.

In the overall facts and circumstances of the case, this Court is of the opinion that counsel for the petitioner fails to make out a case for grant of bail. Resultantly, the petition being devoid of any merit, is hereby dismissed.

August 06, 2022

meenuss

(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No