

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-34373-2021
Date of decision:- 31.01.2022

Ram Chander

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sandeep Singal, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Atul Ravish, Advocate for the complainant.

...

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.133 dated 06.04.2021 registered for offences under Sections 304-B, 498-A and 34 of the Indian Penal Code, 1860 and alternative charge has been framed under Section 302, IPC read with Section 34, IPC, at Police Station IMT Rohtak, District Rohtak, Annexure P-1.

Criminal law has been set in motion on the basis of a complaint of Vidyadhar on the allegation that his daughter, Lakshmi, was married to Rakesh on 25.11.2020 and was residing at Omex City, Rohtak. However, her husband and his relatives namely, Ram Chander, father-in-law, Rima and Rita, sisters-in-law, and Ram Chander and Sanjay, husbands of sister-in-law were harassing her and making demands for more dowry. They were insisting on a *Swift* car and information in this regard was given by

Lakshmi to her sister, Reena, on mobile on 04.04.2021. Reena went with her husband and tried to reason with the in-laws and assured them that their demand will be met. Lakshmi also narrated her woes to her uncle, Rajbir, on mobile, in February 2021, who also intervened and tried to pacify her in-laws. On 06.04.2021, the complainant got information from Rakesh that Lakshmi is unwell and when he reached her matrimonial home, he found her dead. The petitioner, who is father-in-law of the deceased, was arrested on 16.04.2021.

Counsel for the petitioner has referred to the Ration Card, Annexure P-2, as well as Aadhar Card, Annexure P-5, to submit that the petitioner was a resident of Jasbir Colony, Rohtak and was not residing with his son and daughter-in-law. He submits that false allegations have been levelled against the petitioner and he is neither responsible for making any demand nor for the death of Lakshmi.

Per contra, learned State counsel, has relied upon status report filed by way of an affidavit dated 28.01.2022 of Deputy Superintendent of Police, Rohtak, which is taken on record, and the documents appended therewith to oppose the petition. She has submitted that the prosecution has sufficient material to come to the conclusion that the petitioner was a regular visitor to the matrimonial home of his son and used to harass and humiliate his daughter-in-law on account of dowry.

I have considered the arguments addressed by counsel for the parties.

The death of the daughter-in-law of the complainant has taken place within five months of her marriage and there are specific allegations

of demand of dowry as well as harassment on account of their non-fulfillment. Allegations have been duly supported by the complainant in his examination as prosecution witness, which has been placed on the record as Annexure R-2. A perusal of the Post Mortem Examination Report, Annexure R-4, shows that the cause of death is ante mortem hanging. The prosecution has filed an application for summoning of additional accused on the basis of the statement of the complainant, which is pending. The examination of the other two material witnesses namely, Reena, sister of the deceased and Rajbir, uncle of the deceased, is yet to be recorded and the release of the petitioner at this stage is not warranted. The petitioner is facing trial for heinous offence under Section 304-B, IPC and an alternate charge under Section 302, IPC has been framed against him.

Considering the nature of allegations, seriousness and gravity of the offence, material in possession of the prosecution and the statement of the complainant, this Court is not inclined to grant regular bail to the petitioner at this stage.

Petition is dismissed.

Needless to mention, any observation made hereinabove is solely for the purpose of deciding the bail petition and the trial shall be conducted and concluded without the influenced therewith.

(SUVIR SEHGAL)
JUDGE

31.01.2022
Kamal

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