

**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36532-2021 (O&M)

Date of Decision: 6.4.2022

Bijender

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjeev Kaushik, Advocate, for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

The present petition has been filed by the petitioner for grant of regular bail in a case FIR No.11 dated 9.1.2021, registered under Sections 304-B, 34 IPC, at Police Station Matlauda, District Panipat.

As per factual matrix of the case, the FIR in question was lodged by Vishal @ Amit Kumar. It was alleged that he has two sisters. His sister Priyanka was married with Bijender i.e. the present petitioner in the year 2013. After marriage, his sister was consistently harassed by his brother-in-law Bijender for bringing money from her parental house as her father had not given sufficient dowry. On account of the same, there used to be a quarrel between both husband and wife. Time and again, his sister used to complain about the harassment caused by her husband Bijender on account of demand of dowry. On 8.1.2021 at about 10:30 pm, they received a phone call from the accused Bijender that he would leave his sister at home or would kill her. Thereafter, in the morning uncle of the complainant made a telephone call to Rajender (Ex.Sarpanch), who told him that Priyanka has passed away. On hearing the same they went to matrimonial home of their sister and found her dead. It was suspected that she was killed

by Bijender and his mother. The FIR was lodged to take legal action against the accused. On the commencement of the investigation, the petitioner was arrested on 8.2.2021. He approached the Additional Sessions Judge, Panipat for the grant of bail, who after hearing the parties, declined the same vide its order dated 11.8.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner has submitted that the petitioner is the husband of the deceased and their marriage was performed with very simple ceremony and hence, there was no question of demand of dowry. It has been submitted that the marriage took place in the year 2013, whereas, the occurrence took place in the year 2021 and thus, the unnatural death of the deceased has taken place beyond the period of 7 years and hence, Section 304-B IPC would not be attracted in this case. It is further submitted that the petitioner and the deceased were blessed with two children and their responsibility is also on the petitioner. He has further submitted that the investigation is already complete and hence, the petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and submitted that the petitioner is the husband of the deceased and there are specific allegations of causing her cruelty and harassment on account of demand of dowry since beginning. He submits that though the investigation is complete, however, the material witnesses are yet to be examined by the trial Court. Hence, grant of bail to the petitioner at this stage would prejudice the trial.

Heard.

The petitioner is the husband of the deceased. There are specific allegations of causing harassment to the deceased by the petitioner on account of demand of dowry. During the course of arguments, it was specifically put to the counsel for the petitioner that the petitioner is facing charges under which offence and answer given was that for the offence under Section 304-B IPC. The presumption under Section 113-B of the Evidence Act is attracted against the petitioner. The trial Court has already taken cognizance of the offence and the examination of the witnesses is at the nascent stage. The material witnesses are yet to be examined by the trial Court.

In view of the facts and circumstances of the Court, this Court finds no merits in the present petition for granting bail to the petitioner at this stage and the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

6.4.2022
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No