

CRM-M-31046-2020 (O&M)

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

(214)

CRM-M-31046-2020 (O&M)
Date of Decision:-28.02.2022.

Ranjit Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Farukh Abdullah, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for grant of regular bail in FIR No.63 dated 10.02.2020 under Section 304-B IPC, registered at Police Station Tauru Nuh, Haryana.

As per the factual matrix, the FIR was registered by Dilip, S/o Omprakash. It was alleged that he solemnized the marriage of his sister on 13.02.2019 with Ranjit Yadav, i.e. the petitioner. As per his family's capacity, sufficient dowry was given in the marriage but thereafter, the harassment of his sister was started by the petitioner and her in-laws, as they were not satisfied with the dowry given in the marriage. Allegedly, there was a demand of Rs.2,00,000/- by the petitioner. He normally used to quarrel with his sister. On 09.02.2020, he got a telephonic information that his sister is no more. On hearing the same, the complainant along with his

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family members went to the matrimonial house of his sister and found his sister dead. The FIR was lodged with the request to take legal action against the culprits. The investigating agency swung into action and the petitioner, i.e., husband of the deceased was arrested on 10.02.2020. The petitioner approached the learned Additional Sessions Judge, Nuh for grant of bail, who after hearing counsel for the parties, declined the same vide order dated 20.08.2020. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that the allegations of the demand of dowry and harassment are totally false and frivolous. However, as the deceased was not keeping good health and hence she was under depression, resultantly, she committed suicide by hanging herself. He submits that in all fairness, the petitioner immediately informed his in-laws about the unfortunate incident, however, as the deceased was already dead, he did not arrange any medical assistance at that time. He has submitted that the petitioner is behind the bars since 10.02.2020. He vehemently argues that the innocence of the petitioner is strengthened from the fact that the author of the FIR, Dilip has been examined by the trial Court and he has not supported the case of the prosecution. He has placed on record the copy of the deposition of the complainant before the trial Court which depicts that the complainant submitted before the trial Court that Ranjit Yadav never demanded any dowry from them. Neither he tortured nor harassed his sister after marriage. He deposed before the Court that no one was responsible for the death of his sister. He submits that in view of the facts and circumstances,

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it is apparent that the petitioner has been booked in the FIR only being the husband of the deceased. He submits that the petitioner be granted bail.

Learned State counsel has submitted that the sister of the complainant was married to the petitioner on 13.02.2019 and she died an unnatural death on 09.02.2020 i.e., after 01 year of the marriage. He submits that the unnatural death has taken place in the matrimonial home within 07 years of marriage. There are categoric allegations of causing harassment to the deceased on account of demand of dowry and hence, a presumption can be drawn under Section 113-B of the Evidence Act. However, he candidly acknowledged that the petitioner is behind the bars since 10.02.2020 and the complainant has not supported the case of the prosecution.

I have heard learned counsel for the parties and perused the records.

The petitioner is behind the bars since 10.02.2020. He is the husband of the deceased. It is apparent from the record that the complainant has not supported the case of the prosecution. As per the information provided to the Court, out of 11 prosecution witnesses, 03 have been examined including the complainant. The veracity of the allegations would be evaluated by the trial Court and the conclusion of trial would take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. The petitioner is behind the bars for the last more than two years and the material witnesses already stand examined.

Keeping in view the abovesaid facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for

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grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

February 28, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No