

CRM-6079-2022 IN/AND
CRM-M-42011-2021 (O&M)

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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6079-2022 IN/AND
CRM-M-42011-2021 (O&M)
Date of Decision: 28.02.2022

Lokesh

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Dhaliwal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

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Petitioner seeks to place on record copies of statements of PW1 to PW3 and PW6 as Annexures P-4 to P-7 respectively. The same are taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been placed on record.

The petitioner is seeking regular bail in case bearing FIR No. 278 dated 24.12.2020 under Section 304-B read with Section 34 IPC registered at Police Station Badli, District Jhajjar.

Briefly, the case has been registered on the basis of the statement of Surender @ Shamsher, the father of the deceased alleging that marriage of his daughter was solemnized with the petitioner on 06.02.2017.

Substantial dowry articles were given at the time of marriage and the petitioner had been raising demand of dowry. On 23.12.2020, the daughter of the complainant had died and there was injury mark on her neck.

Learned counsel for the petitioner contends that the other relatives of the petitioner were found innocent during the course of investigation. The main witnesses have not supported the prosecution version. The petitioner is in custody for a period of 1 year, 1 month and 15 days and conclusion of trial is likely to take some time.

Learned State counsel has not assailed the factual aspect of the matter but has opposed the bail application on the score that there are serious allegations of commission of dowry death levelled against the petitioner.

It is no doubt true that the death has occurred within a period of seven years from the date of marriage but it is significant to note that Surender, PW 1, the father; Kuldeep PW2, the uncle; Sulekha, PW3 the aunt of the deceased along with Kuldeep, PW6, the mediator have not supported the prosecution version. It is emerging in their statements that there was no demand of dowry and the deceased had committed suicide as she used to remain upset due to some unknown reasons. The petitioner is in custody for a period of 1 year, 1 month and 15 days, the conclusion of trial may take some more time and keeping in view the circumstances emerging in the instant case, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

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subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of
the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

**(VIVEK PURI)
JUDGE**

28.02.2022

Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No