

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(218)

CRM-M-42083-2022
Date of Decision:20.12.2022

Sukhjinder

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pranshul Dhull, Advocate for the petitioner.

Mr. Kirpal Singh, AAG, Haryana.

Mr. Mayank Gupta, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.0316 dated 19.8.2021 under sections 306, 34 IPC registered at Police Station, Safidon, District Jind.

As per factual matrix, a complaint was lodged by Ved Pal, wherein it was alleged that marriage of his sister was performed with Sukhjinder @ Kala i.e. the present petitioner in the year 2007. After the marriage Sukhjinder and his family members used to cause harassment to his sister on account of demand of dowry. It was alleged that her in-laws had a joint family. In-laws of his sister used to assault her for the demand of dowry and his sister used to call them on phone to save her from them. It was further alleged that they used to visit the in-laws of her sister in order to settle the dispute amicably and her in-laws used to apologize for the same. It was further alleged that his sister sent a suicide note through Whatsapp

message wherein she specifically made allegations against the accused and his family members. A request was made to take legal action against the culprits.

The FIR was lodged and investigation commenced. Though in the FIR six persons were named, however, five were found innocent by the SIT constituted and challan was presented only qua the present petitioner. The petitioner was arrested on 28.8.2021. He approached the learned Addl. Sessions Judge, Jind for grant of bail, however, after hearing the parties, the same was declined vide order dated 23.8.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that the petitioner being the husband of the deceased has been falsely implicated in the present case. He submits that the marriage of the deceased was solemnized with the petitioner in the year 2007, whereas the unfortunate incident happened in the year 2021. It is submitted that the deceased committed suicide by consuming poison. Counsel submits that there was no occasion for the petitioner to cause harassment to the deceased on account of demand of dowry as alleged in the FIR. It is further submitted that there is no iota of evidence that during all these 14 years of married life there was any alleged harassment or cruelty caused by the petitioner. It is further submitted that from the allegations levelled in the FIR no ingredients of Section 107 IPC are made out and thus no case under section 306 IPC read with section 107 IPC is made out. It is submitted that in a deliberated manner whole family of the petitioner was implicated in the case, however, after completion of investigation, challan was presented

only qua the present petitioner and rest of the family members were declared innocent by the SIT. Learned senior counsel submits that petitioner is behind bars for the last more than one year. It is submitted that petitioner has no criminal antecedents and he deserves to be granted benefit of bail.

Learned counsel for the complainant has opposed the submissions made by learned senior counsel appearing on behalf of the petitioner. He submits that there are specific allegations against the petitioner. It is submitted that there are specific allegations regarding abetment to suicide. He submits that besides the allegations made in the FIR the deceased has left a suicide note, wherein complicity of the petitioner has been duly mentioned. It is further submitted that handwriting of the deceased in the suicide note is also matched confirming that the same was written by the deceased. It is submitted that the complainant has also filed an application for conducting re-investigation of the case before the D.G.P., Haryana which is pending consideration.

On the other hand, learned State counsel on instructions from SI Krishan Kumar submits that there are specific allegations against the petitioner. He submits that a suicide note of the deceased was recovered and the handwriting of the same has been matched. He has affirmed the fact that an application has been filed by the complainant for re-investigation of the case. It is also submitted that out of the total 23 prosecution witnesses only one stands examined till date. He further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is the husband of the deceased. The marriage in question took place in the year 2007, however, the unfortunate incident happened in the year 2021 i.e. after about 14 years of the marriage. Initially six persons were named in the FIR, however, after completion of investigation challan was presented only qua the present petitioner and rest of the persons were found innocent by the investigating agency. Whether an offence under section 306 IPC read with section 107 IPC is made out or not would lie totally in the domain of the learned Trial Court who will determine the same after appreciating the evidence led by both the sides. There is nothing on record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

20.12.2022

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No