

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

CRM-M-46921-2021

Date of decision : 10.11.2022

Hanuman Singh

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurinder Pal Singh, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.0056 dated 04.03.2021, under Sections 304-B, 34, 498-A of IPC, registered at Police Station Sadar Mahendergarh, District Mahendergarh, Haryana.

As per facts of the case, the present FIR was lodged by father of the deceased namely, Ramesh Chander. It was alleged that he married his daughter Pooja with Hanuman in May, 2014. He gave sufficient dowry in the marriage but his son-in-law was not satisfied with the same. He used to harass his daughter for bringing insufficient dowry and used to beat her. His daughter told him that his son-in-law used to say that they have been insulted before the society as her father has not given sufficient dowry. His daughter also used to tell him that his mother-in-law Sushila and her husband Hanuman repeatedly harassed her on account of demand of dowry. His daughter gave birth to two male children and on both the occasions in Chhuchhak ceremony, he gave more than his capacity. On 4th March, 2021, he got information that his daughter Pooja having been harassed by her mother-in-law and her husband Hanuman has committed

suicide by consuming poison. A request was made to take legal action against the culprits. On registration of the FIR, the investigation commenced and the petitioner was arrested on 17th March, 2021. He approached the Court of learned Additional Sessions Judge, Narnaul praying for grant of bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, declined the same vide order dated 17.07.2021. Aggrieved by the same, petitioner is before this court praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the marriage had taken place in May, 2014 whereas the unfortunate incident has taken place on 4th March, 2021. At the time of occurrence, the marriage was 6 years and 10 months old. He has submitted that from the reading of the allegations in the FIR, it is apparent that the allegations are general and omnibus in nature. He has submitted that the complainant being failed to level any specific allegation regarding date, time for harassment and cruelty and thus, false implication of the petitioner is writ large. He has submitted that the allegations were made against the petitioner and his mother. However, during investigation, the allegations were found false against the mother and hence, challan was filed only against the petitioner. He has submitted that the petitioner has been implicated in this case only being the husband of the deceased. He has submitted that immediately after receiving the information regarding the deceased having been consumed the poison, he shifted her to hospital but unfortunately, she could not be saved. He has submitted that the conduct of the complainant is evident from the fact that

after the death of his wife, both the minor children are surviving with the help of his parents. However, the complainant being maternal grandfather has never been bothered to help the minor children. He has further submitted that the complainant has been examined by the trial Court as PW-1 and in his cross-examination, he admits that he did not remember any specific date of demand of dowry or alleged harassment caused to the deceased. He also submits that though there were no allegations regarding demand of car in the FIR, however, the same was incorporated in the end of the FIR so as to strengthen the case alleged by the complainant. He submits that the petitioner is a poor person and has no criminal antecedents. He submits that due to the present case, future of both the minor children is also at stake. He submits that the material witnesses have already been examined and thus, the petitioner deserves to be granted regular bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that though the marriage was 6 years and 10 months old, however, unnatural death had taken place within seven years of marriage. He submits that the complainant has levelled specific allegations pertaining to the harassment caused to the deceased on account of demand of dowry. He further submits that the petitioner is the husband of the deceased and unnatural death has taken place in the matrimonial home and hence, the petitioner is rightly being prosecuted for the offence under Section 304-B of IPC. He has further submitted that in all there are 15 prosecution witnesses, out of which, 03 witnesses are already examined. He has fairly submitted that as per instructions, the petitioner is not involved in any other criminal case

except the present one.

I have heard counsel for the parties and perused the record.

The relationship between the petitioner and the deceased is not in dispute. The marriage has taken place in 2014 and the wife of the petitioner committed suicide by consuming poison on 4th March, 2021. The father of the deceased has lodged the FIR wherein the allegations pertaining to harassment caused to the deceased on account of demand of dowry were levelled. The material witnesses have been examined by the trial Court. As submitted before this Court, there are two minor children who are with the grand parents. The allegations made by the complainant regarding demand of dowry are general in nature. In the cross-examination of the complainant which is produced by counsel for the petitioner, he has deposed that he did not remember any specific date of harassment caused or demand of dowry made. He also deposed that no cash and vehicle was given in the marriage.

In the facts and circumstances of the case, whether presumption under Section 113-B of Evidence Act is attracted or not is to be appreciated by the trial Court on conclusion of the evidence to be led before it. As stated by learned State counsel that the material witnesses stand examined and hence, out of 15 prosecution witnesses, 03 witnesses already stand examined. There is nothing on record to show that the petitioner has any criminal antecedents. The Court cannot ignore the fact that there are two minor children whose future is also at stake.

The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that

counsel for the petitioner succeeds in making out a case for 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.

10.11.2022*m. sharma*

(RAJESH BHARDWAJ)
JUDGE

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