

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

209+104

CRM-M No.47421 of 2021 (O & M)
Date of decision:04.07.2022

Naresh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

CRM-22475-2022

Allowed as prayed for.

Testimonies of complainant-Mani Ram (PW-1) and Sangeeta (PW-2) are taken on record as Annexures P-6 and P-7, respectively.

Main Case

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.292 dated 20.11.2020 registered for offences under Sections 498-A and 304-B of IPC, 1860, however, Sections 302 and 34 of IPC have been deleted at the time of presentation of *challan*, at Police Station City Ratia, District Fatehabad.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Mani Ram on the allegation that one of his daughters, Sanju Rani (deceased) was married to Naresh Kumar, present petitioner, and his other daughter Manju Bala was married to Narender

Kumar, who is the brother of Naresh Kumar. Naresh Kumar is employed with the police department and about 02 ½ months back both the daughters were turned out of the matrimonial home as their in-laws were not satisfied with the dowry articles. His daughters were physically assaulted and the petitioner allegedly cast aspersions on the character of the deceased. On 20.11.2020, at about 12.30 PM, he received a phone call from his third daughter, Shikha, that Sanju had strangled both her minor children and committed suicide by hanging herself from a fan.

Counsel for the petitioner contends that although allegations have been levelled that the deceased was tormented on account of insufficient dowry and turned out of the matrimonial home, but in his testimony, Annexure P-6, the complainant has not supported the case of the prosecution. Reference has also been made by him to the testimony, Annexure P-7, of Sangeeta, mother of the deceased, which is on the same lines as that of the complainant. Still further, it is his contention that the deceased committed suicide at her paternal home and the petitioner, who has been in custody since 01.02.2021, deserves to be enlarged on bail as the trial is not likely to conclude in the near future.

Per Contra, State counsel, upon instructions from SI Tek Chand, has opposed the petition and has argued that the allegations levelled against the petitioner are extremely serious and grave. It is her submission that complainant's second daughter, Manju, who is married to the brother of the petitioner, has gone back to her matrimonial home but she is yet to be examined. As per instructions received by her, besides both the aforesaid witnesses, 26 more witnesses have to be examined by the prosecution.

Having considered the submissions made by counsel for the parties, but without expressing any opinion on the merits of the case, this Court is of the view that the involvement of the petitioner in the crime would remain controvertible before the trial court and the petitioner, who is in incarceration for last more than 01 year and 05 months, deserves to be released on bail as the trial is at a nascent stage.

Accordingly, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.07.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No