

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

CRM-M-46438-2022

Date of Decision: 23.11.2022

SunilPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present: Mr. Gaurav Grover, Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

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MANJARI NEHRU KAUL, J.

This is second petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 403 dated 05.06.2021 under Section 304-B, 34 IPC registered at Police Station Old Industrial Panipat, District Panipat.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition on 03.02.2022, three prosecution witnesses including PW3 Pritpal (cousin of the deceased Bindu) stands examined. He submits that while stepping into the witness box, PW3, made material improvements which leaves no manner of doubt that a false and fabricated case has been planted upon the petitioner. Learned counsel while inviting the attention of this court to the allegations levelled in the FIR in question, which has been annexed as Annexure P1, has further submitted that the essential ingredients to attract the mischief of Section 304-B IPC are not made out as no evidence had come to the fore that just prior to the

death of deceased Bindu, she was subjected to any kind of harassment by her husband i.e. the petitioner or anyone else from her in-laws family. It has still further been submitted that though it was stated in the FIR by the complainant, i.e. father of the deceased, that Panchayats had been convened between the families on account of the alleged torture meted out to the deceased wherein the petitioner had apologised and assured that the deceased would be kept properly, however, the alleged apology tendered by the petitioner and his parents to the complainant party and the assurance given to keep the deceased properly had been procured under pressure. It has also been argued that the alleged bank transactions of various amount of money between the petitioner and complainant were not on account of any demands made by the petitioner but it was the loan returned by the complainant to the petitioner which had been taken for the treatment of his mother-in-law, who was suffering from cancer.

Per contra learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions, submits that the prosecution witnesses while stepping into the witness box had supported the case of the prosecution and reiterated the allegations levelled against the petitioner of subjecting the deceased to continuous mental and physical torture. It has also been submitted that soon before the death of the deceased, Panchayats had been convened by the complainant party where an assurance too had been given by the petitioner and his family that they would not ill-treat the deceased and keep her properly. However, they failed to keep their promise as the deceased was still being tortured and finally being fed up, she died by suicide in her matrimonial home.

I have heard the learned counsel and perused the relevant

material on record.

A perusal of the allegations levelled in the FIR in question reveals that the petitioner had been subjecting his wife i.e. the deceased to continuous mental harassment. The deceased ended her life within three years of her marriage in her matrimonial home on account of the alleged harassment.

Prima facie there are serious allegations levelled against the petitioner for which he does not deserve the concession of bail. The petition is dismissed. However, it is made clear that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

23.11.2022
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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No