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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51224 of 2021
Date of Decision: 23.05.2022

SUNIL @ NEEL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Priyavrat Parashar, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.162 dated 16.06.2020 registered under Sections 306, 498-A IPC at Police Station Civil Lines,District Kaithal.

As per prosecution case, the complainant Sanjiv @ Sonu lodged the FIR with the allegations that his sister Sonia was married to the petitioner. Sufficient dowry was given in the marriage. Out of the wedlock, two children took birth namely Kanak (daughter) and Kanav (son). Both the children are still minor. The allegations are that after the marriage, in-laws of

Sonia including the petitioner, father-in-law and mother-in-law started harassing sister of the complainant as they were not happy with the dowry. They used to taunt and beat the sister of the complainant. Sister of the complainant informed the complainant about the torture. Many a times, Panchayats were convened. Even 3-4 days prior to the occurrence, a demand was raised by the petitioner and in-laws of the sister of the complainant in respect of Rs.5 lacs. Sonia came to the parental house. Father of the complainant was unable to give such huge amount in lump sum. On 15.06.2020, the petitioner dropped his sister Sonia at her in-laws house after making her to understand by his father. Complainant received a call from his sister at about 11:00 PM, who informed the complainant that her husband and in-laws were giving beatings to her on the pretext of dowry. Complainant made her to understand that he will come in the next morning. On 16.06.2020, the complainant received a call at about 3:00 AM that his sister Sonia has died due to hanging and her dead body is lying in the hospital.

Learned counsel for the petitioner submits that after the marriage being performed in the year 2011, there was no complaint of any harassment and bringing insufficient dowry by the deceased. The wife of the petitioner was having strained relations with her brother. She was quite upset as she was called by her brother on that day.

Learned counsel further submits that even as per allegations, no offences are made out in terms of under Sections 498-A, 306 IPC as ingredients of the offences are missing altogether. During course of investigation, offences under Sections 304-B and 34 IPC were deleted and offence under Section 306 IPC was added for which there has to be concerted effort on behalf of the accused to abet the commission of offence to the hilt so as to get the required result. Co-accused Ramphal (father-in-law) and Kaillo Devi (mother-in-law) were found to be innocent and challan was submitted only against the petitioner.

Per contra, learned State counsel submits that the proceedings of domestic violence indicated that the deceased was being insulted, compelled to leave job, mentally and physically harassed by the petitioner. The deceased also sold her jewellery for paying loan of the petitioner. Learned State counsel also relied upon domestic violence proceedings to contend that the deceased had clearly alleged physical and mental harassment by the petitioner and other in-laws since long.

In pursuance of the order passed by this Court, The State has filed status report by way of an affidavit of Vivek Chaudhary, Deputy Superintendent of Police, Crime against Women, Kaithal. The same is taken on record. Para 10 of the

affidavit reads as under:-

“10. That now this Hon'ble court directed the respondent State of Haryana to submit/file status report on the compromise if any arrived at between the accused and deceased Sonia in the present case. The status report is as under:-

No compromise was arrived between the accused and deceased Sonia in the present case. It is also relevant to mention here that the compromise effected on the application dated 15-02-2020 has no relevancy in the present case.

It is relevant to mention here that on 15-02-2020 Sonia (Now deceased) moved an application to SHO Women P.S. Kaithal against her husband Sunil Kumar. The facts mentioned in the said application are as under:-

She is resident of Vaishno Colony, near Aryawart School, Gali no.1, Karnal Road, Kaithal. She is aggrieved by her husband. She is teacher in school and her husband beating me on every talks and he stop me again and again for going school and if went then gave beatings and turned out from house and if my in-laws came with me then he also threats them. Please take action on this. Myself and my children are not safe, please take action on this.

On 20-05-2020 the said application was withdraw by the deceased Sonia. The statement of deceased Sonia was recorded separately. The said Sonia stated in her statement that she is resident of Vaishno Colony, Gali no.1, Kaithal. I am posted as teacher in village Geong. I moved a complaint against my husband Sunil Kumar son of Siri Ram Phal, r/o Vaishno Colony, Gali no.1, Kaithal regarding beatings, turned out from house and to stop from going school in Women Police Station, Kaithal. Now there is no grievance between me and my husband Sunil Kumar. Now

I do not want to take any action against my husband. My complaint may kindly be dismissed. I recorded my statement and read the same which is correct.

The statement of Sunil Kumar son of Shri Ram Phal, r/o Vaishno Colony, Gali no.1, Kaithal. Stated that I am the resident of above said address and doing private job. I adopt the statement recorded by my wife.”

Evidently, petitioner is in custody since 22.06.2020. Out of 16 prosecution witnesses, only 6 witnesses have been examined so far including the complainant.

Keeping in view the total period of custody and other facts and circumstances of the case, I deem it appropriate to grant indulgence for the grant of regular bail without forming any opinion on the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

May 23, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No