

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

202

CRM-M-51226-2021

Date of decision:06.01.2022

Krishankant Pandey

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. J. P. Jangu, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.504, dated 08.11.2020 registered for offences under Sections 304-B and 498-A of IPC, 1860, at Police Station Palam Vihar, Gurugram, Annexure P-1.

Criminal law has been set in motion on the basis of a complaint given by Suresh Mishra, father of Rinku, deceased, on the allegation that his daughter was married to Krishankant (present petitioner) on 19.04.2016 and besides spending about Rs.5 lacs on her marriage, he had given Rs.50,000/- in cash as well as a bike in dowry. However, after the marriage, Krishankant, his parents, namely, Hari Shankar and Champa, his relations, Anchal and Shivakant started harassing the deceased and demanding more dowry. Rinku has been apprising the complainant regarding the ill-treatment at the hands of the accused. She informed the complainant that she was being physically assaulted and denied food and forced to do household work. On

07.11.2020, a telephone call was received regarding the hospitalization of Rinku and when the complainant and other family members went to the hospital, they found that she had expired. Request has been made by the complainant to take action against the husband and his relatives as they were responsible for her death.

Counsel for the petitioner contends that though allegation has been levelled and the petitioner has been named as an accused in the FIR, but in his testimony recorded before the Court, Annexure P-3, the complainant, who appeared as PW-5, has stated that his daughter was being looked after by her husband as well as her in-laws and there was neither any demand for dowry nor was she ever harassed. Counsel submits that the complainant has further deposed that his daughter was under depression due to illness from last 2-3 years and was undergoing treatment and that is the reason why she committed suicide. It is his argument that the complainant has given a clean chit to the petitioner in his deposition. Counsel has also made a reference to the statements of Sonia Mishra (PW-6), sister of the deceased, Abhuishek (PW-2), brother of the deceased and Manager Mishra (PW-10), uncle of the deceased, which have been appended as Annexures P-4, P-2 and P-5 respectively, to submit that all the material witnesses have not supported the case of the prosecution. Counsel submits that the petitioner, who has a clean past and is in custody since 16.01.2021 is no longer required for custodial interrogation and deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Gyanender, has opposed the petition on the ground that the petitioner is the main accused and there are specific and categoric allegations against

him. By referring to the testimony of Dr. Vinod Kumar, Forensic Expert and Dr. Yudhvir Singh, MO GH, Sector 10, Gurugram, State counsel has submitted that the witnesses have stated that the cause of the death of the deceased is *asphyxia* due to anti-montem hanging. She has argued that as the death has occurred in unnatural circumstances and there are allegations of demand of dowry, Section 304-B, IPC is attracted. On the basis of instructions, she, however, could not dispute the testimony of the material witnesses relied upon by the counsel for the petitioner.

Having considered the circumstances of the case, this Court is *prima facie* of the view that the material collected by the prosecution would remain debatable and the petitioner, who is in incarceration for the last almost 01 year, deserves to be released on bail as the trial is likely to take time to conclude.

Without delving into the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The 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.

06.01.2022
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(SUVIR SEHGAL)
JUDGE

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