

CRM-M-47505-2022

Date of decision: 14.11.2022

RAVIN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gourave Bhayya Gilhotra, Advocate;
Mr. Lovepreet Sidhu, Advocate and
Mr. Akash Manocha, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Ravin Kumar-petitioner is seeking regular bail in the case bearing FIR No.358 dated 14.10.2021 under Sections 304-B/498-A/34 IPC, (Section 302 added later on) registered at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased in the year 2017. The death has occurred on account of consumption of poisonous substance. At the first instance, the deceased was taken to hospital wherein her statement was recorded by the police officials on 12.10.2021. In the said statement, it was specifically mentioned by her that she was consuming some medicines for cough and cold and accidentally, she consumed some pesticides which were kept in the almirah. Subsequently, her statement was recorded by the Judicial Magistrate on 13.10.2021 wherein, she had levelled allegations against the mother-in-law and grandmother-in-law to the effect that she was administered some poisonous substance by mixing the same in her food. Significantly, the name of the petitioner has not been mentioned in the said statement. The petitioner has been nominated on the basis of the statement of the brother of the deceased. During the course of investigation, all other relatives have been found innocent and challan has

Learned State counsel has opposed the bail application on the score that there are allegations with regard to harassment on account of demand of dowry levelled by the deceased in her statement recorded by the learned Judicial Magistrate. Though, the name of the petitioner has not been mentioned in the said statement but allegations against him have been levelled by the brother of the deceased. Furthermore, the charge was framed on 05.01.2022 and out of 23, no witness has been examined so far.

It is significant to note that the first version of the case was unfolded in the statement of the deceased which was recorded on 12.10.2021 by the police authorities. In the said statement, the allegations are to the effect that she had accidentally consumed poisonous substance. In the statement recorded by the learned Judicial Magistrate on 13.10.2021, the allegations have been levelled with regard to administration of poisonous substance by mixing in the food but the name of the petitioner has not been mentioned in that statement. Although, the name of the petitioner has been reflected in the statement of the brother of the deceased but it is also significant to note that the petitioner is in custody for a period of 01 year and 25 days and is not involved in any other case. The charge was framed on 05.01.2022 and out of 23, till date no witness has been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

14.11.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No