

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-52175 of 2021
Date of decision:23.02.2022

Hansraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Mor, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.119 dated 13.04.2021 registered under Sections 304-B, 498-A, 34 of Indian Penal Code, 1860 at Police Station Sadar Jhajjar, District Jhajjar.

Criminal law has been set in motion on the basis of statement of Hawa Singh, father of the deceased on the allegation that marriage of his daughter, Shinu was solemnized with Anoop on 25.11.2020 and sufficient dowry was given at the time of marriage. He received a telephonic call that his daughter had died by drowning in a well. On enquiry, he came to know that his daughter had left her matrimonial home early in the morning and upon search, she was found dead in a well. He alleged that his daughter had come to her paternal home few days after her marriage and told her parents that her in-laws were not happy with the dowry. He suspected that she has

been killed by her husband, Anoop, father-in-law, Hansraj (present petitioner), mother-in-law, Sushila and brother-in-law, Rinku.

Counsel for the petitioner contends that analysis of the allegations levelled in the FIR shows that the allegations are general in nature and there is no specific allegation of entrustment of any dowry article or harassment or of ill-treatment by the petitioner. He submits that the complainant has been examined and he has stated in his cross-examination that after the body was recovered by the accused, they immediately took her to a private hospital. Counsel submits that the petitioner, who is of a middle age, is languishing behind bars since 13.04.2021 and deserves to be enlarged on bail as he is no longer required for the custodial interrogation.

Per contra, State counsel upon instructions from ASI Rajesh Kumar and by making a reference to the status report filed by way of an affidavit of Deputy Superintendent of Police, City Jhajjar, District Jhajjar, which is taken on record, submits that the petitioner alongwith other co-accused, have been specifically named in the FIR. It is her argument that death of the daughter of the complainant has taken place in her matrimonial home within five months of marriage and there is categoric allegation against the in-laws and other family members of being dissatisfied with the dowry articles. She submits that both the complainant and his wife, who have been examined, have supported the case of the prosecution. As per her instructions, 12 out of total 19 prosecution witnesses have been examined.

Having considered the circumstances of the case, this Court is of the opinion that material collected by the prosecution would remain debatable and the petitioner, who is in custody for the last more than 10 months would be entitled to be released on bail as the material witnesses have been examined and the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and 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.

February 23, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes