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

**CRM-M No.53777 of 2021(O&M)
Date of Decision: 08.07.2022**

Sukhwinder

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Molly Aashish Lakhanpal, 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.130 dated 28.06.2020 registered under Sections 304-B, 498-A, 34 IPC at Police Station Julana, District Jind.

Earlier CRM-M No.6029 of 2021 was dismissed as withdrawn on 16.02.2021.

The FIR was registered at the instance of the father of the deceased namely Suresh with the allegations that the

marriage of his daughter Kajol was solemnized with the petitioner according to the Hindu rites and ceremonies. Soon after the marriage, all the accused started harassing his daughter for demand of dowry. Sufficient dowry and gifts were given in the marriage. The daughter of the complainant was maltreated and was also given beatings on account of demand of dowry. She turned out of her matrimonial house for want of dowry articles and was also threatened that unless and until the demand is not met, she would not be allowed to enter the matrimonial house. The daughter of the complainant told this thing to the complainant on many occasions. Complainant used to make her understand and after talking to her in-laws, left her at matrimonial house. On 02.03.2020 in the evening at about 10:00 PM, a telephone came in the neighbour of the complainant that the health of his daughter had become serious and was taken to hospital. Thereafter, the complainant got the message that his daughter had expired. The FIR was lodged with the allegations of demand of dowry and harassment meted to the daughter of the complainant.

Learned counsel for the petitioner submits that the deceased committed suicide by hanging on 02.03.2020 as she was under mental stress for the reason that she had conceived twice in the past i.e. in the year 2017-2018, but on both the

occasions, she gave birth to a premature child, who died within few days of birth. Learned counsel further submits that the deceased remained under medical treatment in Jindal Institute of Medical Sciences, Hisar in the year 2019 and she was not in a position to conceive further. In the FIR, there are no specific allegations of demand of dowry, except to allege general allegations.

Perusal of the FIR would show that the same was registered after more than 3 months with a due deliberation.

Learned counsel further submits that the petitioner was arrested on 18.07.2020. No dowry was ever entrusted to the petitioner nor was recovered by the police after arrest of the petitioner. The cause of death as per FSL report was on account of Asphyxia due to hanging, which was antemortem in nature and was sufficient to cause death in normal course of life. Common poison could not be detected in the FSL report. By referring to the postmortem report, learned counsel further submits that no ligature mark was found around the neck and dribbling of saliva out of the mouth down on chin and chest was found suggesting that it was not a case of strangulation, rather the same was Asphyxia due to hanging. The parents of the petitioner namely Jagdish and Manpati have been granted concession of anticipatory bail in CRM-M Nos.26093 and 29919

of 2020 respectively vide order dated 10.12.2020.

Per contra learned State counsel submits that the death has taken place within seven years of the marriage and ingredients of offence under Section 304-B IPC is attracted being a dowry death. The death took place in abnormal circumstances.

Prima facie, the allegations of cruelty are not corresponding to date, time and manner of harassment with demand of dowry. The alleged harassment that the same was soon before committing suicide would be tested by the trial Court on the basis of evidence to be led by the parties at the relevant stage. Petitioner is in custody since 18.07.2020. After framing of charges, only seven prosecution witnesses have been examined so far. The trial of the case will take some time to conclude.

Keeping in view the overall facts and circumstances of the case and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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.

July 08, 2022	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No