

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

Sr. No.211

CRM-M-53602-2021

Date of decision: 05.04.2022

Rohit Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.86 dated 06.06.2021, registered under Sections 304-B, 498-A, 406 IPC at Police Station Jagadhri Sadar, District Yamuna Nagar.

Ranbir Singh filed a complaint with the police as per which, on 07.03.2018, his daughter – Priyanka got married with the petitioner and thereafter, she died on account of harassment and torture by the petitioner and his family members. On the basis of such complaint, the aforesaid FIR was registered and the petitioner was arrested. Thereafter, the police filed a report under Section 173 Cr.P.C. on the consideration of which the petitioner was charged to be prosecuted under Sections 304-B, 498-A and 406 IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against the petitioner; soon after lodging of the FIR, the investigation was conducted which revealed that the petitioner and his family members had never demanded any dowry and that the deceased had committed suicide on account of her temperament and minor fights between the petitioner and herself; the complainant, the deceased's mother and

deceased's grand father, while appearing before the Trial Court as PW-1, PW-4 and PW-3 respectively had categorically stated that the petitioner cannot be faulted for their daughter's/grand daughter's demise; all material witnesses in the petitioner's trial have since been examined and that the petitioner's trial in which 07 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that his actions led to his wife's unnatural death between 07 years of their marriage and if released on bail he may influence the trial.

After considering the above rival submissions, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Yamuna Nagar at Jagadhri, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

A perusal of the FIR reveals that in his complaint Ranbir Singh had specifically given instances of torture/harassment by the petitioner and his family members which had resulted in his daughter's death. However, while appearing before the Trial Court as PW-1 he took a complete somersault as he stated that his daughter was at all times living peacefully with the petitioner and his family members.

The State shall examine complainant's change of version and then consider proceeding against him under Section 182 IPC, in accordance with law.

April 05, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No