

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

219

CRM-M-53925 of 2021

Date of decision:29.08.2022

Jugnu @ Jugnu Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the second petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.286 dated 12.10.2019 registered under Sections 498-A, 304-B, 506 and 34 of IPC, 1860, at Police Station IMT, Rohtak, Annexure P-1.

Criminal law has been set in motion on the basis of a complaint given by Om Parkash on the allegation that his daughter, Sapna, was married to Jugnu (present petitioner) on 26.03.2014. It has been alleged that the petitioner, his parents as well as brother-in-law were not happy with the dowry and had been physically and mentally harassing her. Despite intervention of the Panchayat and a settlement, situation did not improve. A criminal case had been registered against the accused, which is pending. On 11.10.2019, Sunny, brother of Sapna,

received a call from her, asking him to come and save her as she is likely to be killed, in case, the demand of a motorcycle is not met. Sapna was admitted in PGIMS, Rohtak, on account of administration of poison and she expired during her treatment on 11.10.2019.

Counsel for the petitioner submits that although allegations have been levelled in the FIR of harassment on account of demand of dowry, but the complainant in his examination-in-chief has failed to support this allegation. He submits that the complainant has deposed that the deceased was being maltreated as she had given birth to two daughters. A reference has also been made by counsel to the deposition of Sunny (PW-1), brother of the deceased. Counsel asserts that the petitioner, who is in custody since 14.10.2019, deserves to be enlarged on bail as the trial is likely to take time to conclude. He submits that the first petition (CRM-M-24156-2020) filed by the petitioner, was withdrawn, on 28.08.2020 and thereafter, both the material prosecution witnesses have been examined and there is a change in the circumstances enabling him to file a fresh petition.

Per Contra, State counsel, upon instructions from ASI Sandeep, has opposed the petition and has submitted that the deceased had lodged FIR No.127 dated 31.05.2019 under Sections 498-A, 323, 406 and 506 of IPC at P.S. IMT, Rohtak, which is pending against the petitioner. She submits that in view the nature of allegations levelled against the petitioner, he is not entitled to be released on bail. As per her instructions, 04 out of 17 prosecution witnesses have been examined and the cross-examination of the 5th witness-complainant, is yet to be conducted.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the culpability of the petitioner in the crime would remain a subject matter of debate before the trial court. Petitioner, who is in custody for the last more than 02 years, 10 months and 14 days, would be entitled to be released on bail as the prosecution is yet to examine 11 more witnesses and the trial is not likely to conclude in the near future.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged 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.

29.08.2022

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(SUVIR SEHGAL)
JUDGE

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