

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-45910 of 2019 (O & M)

Date of decision :-27.04.2022

Ram Chander

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Abhishek Yadav, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana
for the respondent-State.

Mr. Manish Mehta, Advocate for the complainant.

SUVIR SEHGAL, J.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking grant of regular bail in case FIR No.66 dated 25.03.2019 registered for offences under Sections 304-B, 498-A and 34 of the Indian Penal Code, 1860 at Police Station Sadar, Narnaul, District Mahendergarh, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Balwan Singh on the allegation that he has two daughters and two sons. Both his daughters Manju (deceased) and Geeta were married to two brothers Ramesh and Sandeep respectively, sons of Ram Chander, present petitioner, on 25.02.2019. Soon after marriage, their husbands', in-laws and other relatives started assaulting and maltreating his daughters. At the time of engagement, a demand of motorcycles was made on behalf of both the sons-in-law, which the complainant had clearly refused to meet as he was not in a financial capacity to do so. On 19.03.2019, Manju was physically assaulted by her husband, in-laws and other relatives and an attempt was made to strangulate her. On 21.03.2019, his sons brought their sisters back

to their paternal home. On 23.03.2019, present petitioner came to his house and the petitioner requested him to rehabilitate his daughters, but he did not give any satisfactory reply. On 24.03.2019, his son, Krishan, left both the daughters at their matrimonial home where the sons-in-law quarrelled with him and threatened that they will be eliminated. His son did not realize the implication of the threat and came back home. During that night, Manju was killed by Ramesh, Sandeep, her in-laws and other relatives. He has requested that action be taken against the accused.

Counsel for the petitioner has contended that the case has been lodged with false allegations against the petitioner and no recovery is to be effected from him. He submits that despite the fact that there is no specific allegation, a challan has been presented against the petitioner, who is in custody since 08.06.2019 and he deserves to be released on bail.

Per contra, learned State counsel, by relying upon instructions from ASI Babulal and by referring to the reply filed by way of affidavit of Deputy Superintendent of Police, HQ, Narnaul, District Mahendergarh on behalf of respondent-State, has opposed the petition. She is assisted by counsel for the complainant, who has referred to the testimony of Geeta, sister of the deceased, as well as Balwan Singh, complainant, who have been examined as PW-1 and PW-2. Reference has also been made to the judgments of the Supreme Court in Satbir Singh and another vs. State of Haryana, (2021) SCC Online SC 404, State of Madhya Pradesh vs. Jogendra and another, 2022 (1) RCR (Criminal) 698 and Parvati Devi vs. State of Bihar, 2022 (1) RCR (Criminal) 509.

Heard counsel for the parties.

The marriage of the deceased took place on 25.02.2019 and she has died within a period of 35 days in unnatural circumstances. There are

categoric allegations of demand of a motorcycle by her husband, in-laws including the present petitioner, and other relatives as well as of harassing and assaulting her. It has been alleged that she along with her sister were turned out of the matrimonial home on account of non-fulfilment of the demand. Both the material prosecution witnesses, that is, the complainant as well as the sister of the deceased, who is married in the same family, have been examined and they have supported the case of the prosecution. In particular, Geeta, sister of the deceased, has described the horrid incident of the fateful night in detail in her examination-in-chief and has stated that Manju was assaulted by all the accused and when she tried to rescue her, she was dragged and bolted in a room. She heard her cries but was helpless and in the morning, she saw that her sister had died.

Petitioner is facing trial with serious allegation of a heinous offence under Section 304-B, IPC, besides, 498-A IPC. Considering the nature of allegations, gravity of offence and material in possession of the prosecution, this Court is not inclined to grant bail to the petitioner during the pendency of the trial.

Finding no merit, petition is hereby dismissed.

However, it is made clear that observations, which have been made hereinabove, are solely for the purpose of the disposal of this petition and shall have no bearing on the merit of the case.

27.04.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No