

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

CRM-M-885-2023 (O&M)

Date of Decision: 31.10.2023

VIKAS

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.K.Gollen, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Sanjeev Kumar, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 241 dated 25.06.2021, under Sections 302/498-A/304-B/120-B/34 IPC (Sections 302/120-B IPC added later on) registered at Police Station Barauda, District Sonipat.

2. Custody certificate has been taken on record.

3. Briefly, the FIR has been registered on the basis of the statement of the father of the deceased alleging that the marriage of the deceased was solemnized with Gulshan, the brother of the petitioner on 15.12.2020. The petitioner is the brother-in-law of the deceased. The father-in-law, mother-in-law, brother-in-law and the husband of the deceased had been harassing her for dowry and raising demand of car, air conditioner, chain and Rs. 10 Lakhs in cash. On 24.06.2021, the deceased along with her husband had visited the house of the complainant. They left

for their home at about 5 A.M. After some time, the husband of the

deceased telephonically informed the complainant that they are present at drain No.8 before Surya Garden and the deceased was not speaking. On receiving the information, the complainant visited the spot and found that Gulshan was sitting at the track of the drain with blood stains on his clothes. The deceased was lying dead near the track and blood stains were present on her body. It has been alleged that the husband of the deceased has committed her murder and she was being harassed for demand of dowry.

4. Learned counsel for the petitioner contends that the petitioner is brother-in-law of the deceased and is in custody for a period of 2 years, 3 months and 01 day and not involved in any other case. Substantially same allegations were levelled against the father and mother of the petitioner. The father of the petitioner was found innocent during the course of investigation. Sunita, the mother of the petitioner has been granted regular bail by this Court in terms of the order dated 01.12.2022 passed in CRM-M-53255-2022, Annexure P-7. During the course of trial, an application under Section 319 Cr.P.C. was also moved for summoning the father of the petitioner but the same has also been dismissed by the learned trial Court. The charge has been framed with regard to offence under Sections 498-A, 120-B, 304-B read with Section 34 IPC against the petitioner. However, the brother of the petitioner has also been charged under Section 302 IPC. There is no evidence to indicate that the petitioner was present at the spot when the husband of the deceased allegedly committed her murder.

5. Learned State counsel has opposed the bail application on the score that there are categorical allegations levelled against the petitioner in the FIR and the death has occurred within a period of 6 months from the date of marriage. Out of 20, only 9 witnesses have been examined.

6. Learned counsel for the complainant has also opposed the bail application on the score that there are specific and categoric allegations against the petitioner and the death has occurred within a period of 6 months from marriage. There are specific allegations to the effect that the deceased was being harassed on account of demand of dowry.

7. It is significant to note that the allegations spelt out in the FIR indicate that the murder of the deceased has been committed by her husband. The blood stains were found on the clothes of the husband of the deceased and was present near the dead body at the bank of the drain. During the course of investigation, offence under Section 304-B IPC was deleted but the charge has been framed qua the said offence against the petitioner and his mother in the learned trial Court. Furthermore, the charge under Section 313 IPC has also been added in the instant case. Substantially, similar allegations have been levelled against the father and mother of the petitioner but the father of the petitioner has been found to be innocent during the course of investigation and the application under Section 319 Cr.P.C. for summoning him has been dismissed by the learned trial Court. The mother of the petitioner has been granted regular bail by this Court. The petitioner is in custody for a period of 2 years, 3 months and 01 day and not involved in any other case. The petitioner is the brother-in-law of the deceased. 11 witnesses still remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

8. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the

petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

9. The petition is allowed.

31.10.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No