

Virender...Petitioner

Versus

State of Haryana...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. ADS Sukhija, Advocate for the petitioner.  
Mr. Ramender Singh Chauhan, AAG, Haryana.

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**SUVIR SEHGAL, J. (ORAL)**

CRM-28485-2023

Application is allowed as prayed for.

Testimony of complainant Anup (PW2), Sonu (PW3) and Naresh (PW4) brother and uncle of the deceased, are taken on record as Annexures P-9 to P-11, respectively.

**CRM-M-2075-2023**

1. This is the second petition filed under Section 439 Cr.PC seeking grant of post-arrest bail in:

| FIR No. | Dated      | Police Station                 | Sections                                                                                      |
|---------|------------|--------------------------------|-----------------------------------------------------------------------------------------------|
| 282     | 01.10.2021 | Narwana City,<br>District Jind | 306, 34, 498A of IPC, 1860 (Section 306 IPC was deleted and Section 304-B was added later on) |

2. Version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of complainant, Anup, wherein he stated that his younger sister Preeti was married to Virender (present petitioner) on 22.02.2021 and dowry as per their capacity was given. After eight months of marriage, Anarkali, her mother-in-law, and her husband, Virender, started quarreling with her on account of dowry. She was harassed and the complainant brought her

back to his home. She was pregnant but she unfortunately had a miscarriage. Information was given to her in-laws but they refused to take her back. However, later she went back to her matrimonial home but there was no let up in ill treatment. On 30.09.2021, on a video call, she informed the complainant that Virender (petitioner) had quarrelled with her as she did not fare well in the exam for recruitment to the police force. On the fateful day, complainant received a phone call from Tarsem, elder brother of the petitioner that Preeti has committed suicide. He reached to her matrimonial home and saw her body hanging by a noose from the fan in the room on the upper floor. Allegation has been levelled against the petitioner, Anarkali (mother-in-law) and Sumit (sister-in-law) of forcing her to commit suicide on account of non-fulfillment of the dowry.

3. Counsel for the petitioner argues that the complainant as well as two his close relatives have been examined as PW2 to PW4 and have not supported the case of the prosecution. He submits that although in the examination-in-chief of the complainant, he has deposed in tune with the allegations levelled in the FIR but in the cross-examination he has categorically stated that the examination-in-chief was under pressure. By referring to the allegations leveled in the FIR, he submits that the deceased was in a state of depression due to fetal loss and failure in securing government employment. Counsel submits that the deposition of the crucial witnesses has been recorded after the previous petition filed by the petitioner was withdrawn from this Court in July, 2022 and application filed for summoning additional accused has been withdrawn. He has stated that petitioner is unblemished and is behind the bars since 15.10.2021 and deserves to be enlarged on bail.

4. Per contra, learned State counsel upon instructions from SI, Raj Kumar submits that unfortunate death has taken place within 8 months of

marriage, there are specific allegations against the petitioner of raising demands and harassing the deceased on account of dowry. It is his argument that essential ingredients of Section 304-B, IPC are satisfied. State counsel would not dispute the testimony of three material witnesses which has been brought on record by the counsel for the petitioner. As per his instructions, 5 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. The role ascribed to the petitioner and the allegations levelled against him would be determined by the trial Court. Petitioner is in custody for the last 21 months. The complainant and other relatives of the deceased who are vital prosecution witnesses, have recorded their testimony. Considering these factors, this Court is of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial, which is unlikely to conclude in the near future.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

**17.07.2023**

*Parveen kumar*

**(SUVIR SEHGAL)**  
**JUDGE**

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