

2023:PHHC:058379

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-4730-2023

Date of Decision: April 25, 2023

Budhram @ Deepak

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vidul Kapoor, Advocate,
for the petitioner.

Mr. Ankur Bali, Addl.P.P. for U.T., Chandigarh.

Vivek Puri, J.

1. The petitioner-Budhram @ Deepak is seeking regular bail in the case bearing FIR No. 66, dated 15.06.2021, under Sections 304-B, 34 of the Indian Penal Code (for short 'IPC') (Section 302 read with Sections 120B, 498-A IPC added later on), registered at Police Station Sarangpur, Chandigarh.

2. Custody certificate filed in Court today, is taken on record.

3. Briefly, the FIR has been registered on the allegations that the marriage of Pooja, the daughter of the complainant, was solemnized with the petitioner on 22.04.2016. After some time of the marriage, the petitioner and his mother started harassing the deceased for demand

of dowry. In the year 2019 also, the deceased had submitted a complaint in the Police Station Sarangpur, but the matter was amicably resolved. Even thereafter, the petitioner and his mother had been harassing and torturing the deceased, making demand of dowry and also giving beatings to her. On 10.06.2021 at about 11.00 pm, the deceased had given a telephonic call to the complainant i.e. her father, to take her back as she was apprehending that the family members of her in-laws will kill her. The complainant asked the deceased to calm down and informed that he was in the ancestral village and will reach Chandigarh within a period of 2-3 days. Thereafter, the deceased had talked with her mother. However, on the next day at about 9 a.m., the petitioner gave a call to the wife of the complainant and told her to take the deceased back with them. The sounds of screaming of the deceased and her mother-in-law were being heard in the phone. After some time, the petitioner had telephonically informed that the deceased had committed suicide by hanging herself.

4. Learned counsel for the petitioner contends that there are false and vague allegations with regard to the demand of dowry and there is a delay of 4 days in lodging the FIR. The allegations with regard to the submission of complaint in the year 2019 are false. The deceased had been asking the petitioner to support her parental family and was

also having anger issues. There is lack of material on record to indicate that the deceased was being harassed by the petitioner on account of demand of dowry soon before her death. Moreover, the mother of the petitioner has been granted regular bail.

5. The learned Additional Public Prosecutor for the U.T. Chandigarh has opposed the bail application on the score that serious allegations with regard to the demand of dowry have been attributed against the petitioner, who is the husband of the deceased. The deceased had died within a period of about 5 years from the date of marriage, otherwise than under normal circumstances. The deceased was continuously being harassed on account of demand of dowry. The case of the petitioner is not at par with that of her mother. Moreover, out of 23, 9 witnesses have been examined, 9 have been given up and only 4 witnesses remained to be examined in the trial Court.

6. The deceased was the wife of the petitioner. There are specific and categoric allegations to the effect that the petitioner had been mal-treating and harassing the deceased continuously on account of demand of dowry. The marriage was solemnized on 22.04.2016 and the occurrence took place within a period of less than 5 years on 11.06.2021. Even, there are allegations to the effect that the deceased had submitted a complaint at Police Station Sarangpur, in

the year 2019, but the dispute was amicably settled. Even thereafter, the petitioner had been harassing the deceased and raising demand of dowry. The case of the petitioner cannot be termed to be at par with that of her mother, namely, Chaina @ Naina Devi, who has been granted regular bail. The petitioner is the husband of the deceased and the material on record indicates that the death has occurred otherwise than under normal circumstances within a period of 7 years from the date of marriage and the deceased was being harassed by the petitioner on account of demand of dowry. Moreover, out of 23, 9 witnesses have been examined, 9 witnesses have been given up and only 4 witnesses remained to be examined. As such, the petitioner cannot be held to be entitled to bail on account of incarceration for a period of 01 years, 10 months and 09 days.

7. Keeping in view the entire circumstances, no ground is made out to grant the concession of regular bail to the petitioner.

8. The instant petition is dismissed, accordingly.

April 25, 2023
vk

(Vivek Puri)
Judge

Whether reasonable / speaking :	Yes / No
Whether reportable :	Yes / No