

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6502-2023(O&M)
Date of decision:- 23.08.2023

Amandeep

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Manoj Tanwar, Advocate
for the petitioner.

Mr.Munish Sharma, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

CRM-32972-2023

Application is allowed, as prayed for. Passport of the petitioner as well as testimony of Lachman, PW2, father of the deceased, are taken on record as Annexures P-4 and P-5.

CRM-M-6502-2023

1. This fourth petition has been filed by petitioner under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
51	07.04.2020	Guhla, District Kaithal	304-B, 406 and 498-A IPC

2. Version of the prosecution is that FIR, Annexure P1, has been registered on the statement of Deepak on the allegations that his elder sister Bateri was married to Amandeep, present petitioner, on 12.03.2016 as per Hindu rites and ceremonies. Sufficient dowry was given to her at the time of marriage. Two daughters were born out of the wedlock. Bateri was harassed by her husband, father-in-law – Parkash Chand, mother-in-law – Sunita Devi and brother-in-law – Raman Kumar, who repeatedly demanded dowry. Due to the illtreatment, she left for her paternal home and stayed there four months. With the intervention of Panchayat, she was sent back to her matrimonial home. In one of the Panchayats, the accused confessed their guilt. On the fateful day, she talked with the complainant on the phone and told her that she is being physically assaulted. However, due to the lockdown, the complainant and his family could not go to meet her. At about 3:00 p.m., information was received from Raman Kumar, that she has died. When they reached her matrimonial home, they noticed blue noose marks around her neck.

3. Counsel for the petitioner submits that there are no specific allegations against the petitioner. He submits that the petitioner was working as labourer in Kuwait and by making a reference to the passport, Annexure P4, he has contended that the petitioner has been away to Kuwait on repeated trips during the four years of marriage. He submits that after investigation, the family members of the petitioner were found innocent and an application moved by the prosecution for summoning them as additional accused has been declined. By making a reference to the

deposition of both the crucial witnesses i.e. the complainant as well as the father of the deceased, Annexures P3 and P5, respectively, he contends that there are major inconsistencies in their testimonies. Counsel submits that the evidence of deceased's father, PW2, has been recorded after dismissal of the previous petition and the petitioner, who has a clean past and is in custody since 11.04.2020 deserves to be enlarged on bail as the trial is not likely to conclude in the near future.

4. *Per contra*, State counsel upon instructions from ASI Rajender has opposed the petition and has submitted that the death of a young married lady has taken place in unnatural circumstances in her matrimonial home within seven years of marriage and the essential ingredients of offence under Section 304-B IPC are satisfied. By making a reference to the testimonies of both the material witnesses, he submits that they have supported the case of the prosecution. As per his instructions, out of 22 prosecution witnesses, 6 have been examined and the remaining witnesses are all officials.

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

6. The complicity of the petitioner in the crime would remain a subject matter of debate before the trial Court, which shall be determined on the basis of evidence adduced before it. Petitioner has been in custody for the last more than 40 months. Trial is no where near conclusion. Noticing the length of custody as well as the clean antecedents of the petitioner, this Court has no hesitation in acceding to the prayer made in the petition.

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 Trial Court/Duty Magistrate, concerned.

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

(SUVIR SEHGAL)
JUDGE

23.8.2023
Brij

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