

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

210

CRM-M-8605-2023

Date of decision:23.02.2023

Anil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.293, dated 27.07.2021 registered for the offences under Sections 304-B, 498-A and 34 of IPC, 1860, at Police Station Kanina, District Mahendergarh, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Poonam, wherein she stated that she and her deceased sister-Sarita, were married to two brothers in the same family on 08.02.2018. After the death of her husband, her in-laws started harassing them and they came to their parental place. On the intervention of the Panchayat, Sarita was sent to her matrimonial home on 25.07.2021 and a week later, they came to know that she had committed suicide. Complainant has alleged that her sister was killed by her in-laws.

Counsel for the petitioner has contended that there is no allegation of harassment of the deceased on account of non-fulfilment of demand of dowry and offence under Section 304-B, IPC, is not made out. He submits that although in her testimony, Annexure P-10, the complainant has levelled allegation that harassment was on account of a demand, but her version in Court is an improvement as after her husband's death, there was a dispute between her and her mother-in-law and civil litigation is pending between them

regarding the ex-gratia grant. Counsel submits that after the withdrawal of the first bail petition from this Court, an application filed by the prosecution for summoning the family members of the petitioner as additional accused has been declined by the Trial Court and the order has been upheld by this Court in CRR-2874-2022. Counsel submits that the petitioner, who is in confinement since 04.09.2021, deserves to be enlarged on bail as he has a clean past and is no longer required in custody.

Per Contra, learned State counsel, upon instructions from SI Ram Avtar, has opposed the petition and has submitted that the petitioner is an accused of a heinous offence. He submits that petitioner's wife died in her matrimonial home in unnatural circumstances within 07 years of marriage and there is an allegation of demand of dowry. As per his instructions, 03 out of 19 prosecution witnesses including material witnesses have been examined.

Having heard counsel for the parties and noticing that vital witnesses have been examined, petitioner's custody of more than 17 months and remote possibility of an early conclusion of trial, this Court is of the opinion that petitioner deserves to be released on bail.

Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.02.2023

(SUVIR SEHGAL)
JUDGE

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