

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**220****CRM-M No.10154 of 2023****Date of Decision : 13.12.2023**

Vijay Kumar

....Petitioner

VERSUS

State of UT Chandigarh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.P.S. Sandhu, Advocate for the petitioner.

Mr. Rajeev Anand, APP UT Chandigarh.

ALKA SARIN, J. (Oral)

1. This is the third petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.348 dated 30.09.2018 under Sections 304-B and 34 of the Indian Penal Code, 1860 (Sections 302 and 120-B IPC were added later on) registered at Police Station Sector 36, Chandigarh.

2. The FIR was registered on the statement of the brother of the deceased, namely, Bablu, wherein he stated that after marriage the in-laws of his sister, namely, Manjeet @ Manju (since deceased), started harassing her in connection with demand of dowry and used to subject her to beatings but she used to tolerate everything for the sake of reputation of her family and talked to him on several occasions regarding the same. However, the in-laws family, including her husband, *devar*, mother-in-law and father-in-law did not mend their ways. They continuously harassed and maltreated his sister and demanded a motorcycle and a car on many occasions. In the last 1 or 2

months the in-laws of his sister had made her life difficult. The marriage of younger sister of the complainant was solemnized on 03.11.2018//04.11.2018. However, the petitioner and his family had demanded dowry from the deceased on the ground that if the younger sister was given a motorcycle they should also be given the same or else they would make her life miserable. On 29.09.218 they received a telephonic call from an officer of Chandigarh Police who informed that Manjeet @ Manju (since deceased) had committed suicide by hanging herself. Subsequently, they came to know that she had been subjected to physical and mental torture in connection with demand of dowry due to which her death took place.

3. Earlier the two petitions being CRM-M-13251-2021 and CRM-M-8658-2023 filed by the petitioner for grant of regular bail were dismissed as withdrawn by this Court vide orders dated 26.03.2021 and 04.03.2022, respectively.

4. Learned counsel for the petitioner would contend that the petitioner has been in custody for a period of 05 years 01 month and 26 days and that it was almost a 07 years old marriage and there had never been any complaint. Learned counsel for the petitioner would further contend that there is nothing on record to show the presence of the petitioner at the spot on the day of occurrence.

5. Learned State counsel has referred to the status report to contend that in the postmortem report, which has been appended with the petition as Annexure P-2, it has been noticed that the deceased had 07 injuries on her body. Further, the cause of death was given as asphyxia due to ligature strangulation. The report by the Government Medical College and

Hospital, Chandigarh, Department of Forensic Medicine, has given an opinion that the death of Manjeet @ Manju was homicidal in nature and that the examined *chunni* was unlikely to cause the death of the deceased by asphyxia due to ligature strangulation. It was further opined that the examined shoelace can possibly cause death of the deceased by asphyxia due to ligature strangulation.

6. I have heard learned counsel for the parties.
7. In the present case the deceased is alleged to have died of hanging. However, the postmortem report, which has been appended with the petition as Annexure P-2, reveals that the deceased had 07 injury marks which are reproduced as under :

Sr. No.	Injuries	Marked	Injury Number
1	Crescentric abrasion of size 1 x 0.2 cm present over right cheek. Reddish	No	1
2	Crescentric abrasion of six 1 x 0.2 cm present over angle of mandible. Reddish	No	2
3	Contusion of size 9 x 5 cm present over front and outer aspect of lower one third of right arm. Reddish	No	3
4	Contusion of size 2 x 1 cm present over back of lower one third of right arm. Reddish	No	4
5	Contusion of size 2x1 cm present over middle one third of back of right arm. Situated 4 cm proximal to injury no.4. Reddish.	No	5
6	Abraded contusion of size 4.5 x 0.5 cm present over right side upper part of back, situated 4 cm from midline and 4 cm from nape of neck.	No	7
7	Three contusions each of size 1 cm in diameter present horizontally in line with each other, situated over inner aspect of left arm. Reddish.	No	6

8. Further still the Department of Forensic Sciences, GMCH, Sector 32, Chandigarh opined as under :

“After the examination of the weapon and perusal of the enclosed documents, PMR vide number SUKHDEEP/PMR/41/GMSH16/2018, the opinion regarding the questions mention in the request letter are as follows:

- 1. The death of the deceased Manjit was homicidal in nature.*
- 2. The examined chunni is unlikely to cause death of the deceased by asphyxia due to ligature strangulation.*
- 3. The examined shoelace can possibly cause death of the deceased by asphyxia due to ligature strangulation.”*

9. The custody period alone cannot be a ground for granting the concession of bail in the present case. As per learned APP UT Chandigarh, only 04 official witnesses remain to be examined who have been summoned for 14.12.2023. Learned APP UT Chandigarh has assured the Court that these official witnesses would be examined on 14.12.2023.

10. Keeping in view the above facts and the nature of allegations, I do not find it to be a fit case for grant of regular bail to the petitioner and accordingly the present petition is dismissed. Pending applications, if any, also stand disposed off.

11. It is made clear that anything observed in this order shall not be treated as an expression of opinion of this Court on the merits of the case.

(ALKA SARIN)
JUDGE

13.12.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO