

CRM-33626-2023 in/and
CRM-M-10681-2023

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2023:PHHC:104536

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107+208

CRM-33626-2023 in/and
CRM-M-10681-2023

Date of Decision: 11.08.2023

Lalit

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rahul Gautam, Advocate for the applicant-petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

CRM-33626-2023

Application is allowed, as prayed for.

Copies of testimonies of PW-1 Haripal, PW-2 Vikas and PW-3 Neterpal, filed along with the application are taken on record as Annexures P-6 to P-8, respectively, subject to all just exceptions.

CRM-M-10681-2023

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 05 dated 15.01.2021 (Annexure P-1) registered under Section 304-B read with Section 34 IPC at Police Station Bhupani, District Faridabad, Haryana.

According to the prosecution story, the aforesaid FIR was registered on the application moved by complainant-Hari Pal, father of

the deceased to the effect that his daughters, namely; Chanchal (deceased) and Savita were married to Lalit (petitioner herein) and Jeetu sons of Virender, respectively, on 16.02.2016. They used to harass and torture his daughters for dowry and an FIR No. 487 dated 18.09.2019, under Sections 323/34, 354B, 406, 498A and 506 IPC was registered at Police Station Palwal, in this regard. The complainant talked to his daughter-Chanchal (since deceased) who was weeping and asking him to take her as her in-laws were trying to kill her by giving poison. On asking who wants to kill her, she told that father-in-law Virender; mother-in-law Seema; sisters-in-law Priti and Priya; brothers in law Harender and Toni; husband-Lalit (petitioner herein); Bua-Parvati and Malkhan want to give her poison. He told his daughter that he will come to her house on 15.01.2021. However, on 15.01.2021 at around 6:00 AM, he was informed that Chanchal has died due to poison. He stated that his daughter was murdered by father-in-law Virender; mother-in-law Seema; husband-Lalit, sisters-in-law Priti and Priya; brother in law Harender, Bua-Parvati and Malkhan and prayed for taking strict action against those persons. On the basis of his application, formal FIR was registered.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has falsely been implicated in the present case. The petitioner was married with the deceased on 16.02.2016 and date of incident is 15.01.2021. One son was born out of the said wedlock. During this period, one FIR No. 487 dated 18.09.2019, under Sections 323/34, 354B, 406, 498A and 506 IPC was registered at Police Station

Palwal, against the petitioner and his family members, which was later on withdrawn. Initially, the present FIR was registered against 09 persons, but during investigation, 06 have been exonerated and remaining 3 were challaned being father-in-law, mother-in-law and husband (petitioner herein). Parents-in-law of the deceased, namely Seema and Virender Singh, have already been enlarged on bail by the trial Court, vide orders dated 06.05.2022 and 21.05.2022 (Annexure P-3 and P-4, respectively). All the material witnesses, namely; PW-1 Haripal, PW-2 Vikas and PW-3 Neterpal, have been examined by the trial Court and copies of their testimonies are placed on record as Annexure P6 to P-8, respectively. Learned counsel for the petitioner submits that parents-in-law of the deceased had taken her to the hospital. The reason for committing suicide by the deceased was that she was not happy with the present marriage as she wanted to marry other person of her choice and she was forced to marry the petitioner. There is no suicide note. Out of total 25 prosecution witnesses, only 03 have been examined so far. The petitioner is in custody since 19.01.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per Contra, learned counsel for the State has filed custody certificate dated 10.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 02 years, 06 months and 22 days. While vehemently opposing the submissions of learned counsel for the petitioner, learned counsel for the State submits

that cause of death is poisoning. Complainant-Hari Pal (PW-1), has fully supported the prosecution version. However, he fairly conceded the fact that there was no suicide note and out of total 25 prosecution witnesses, only 03 have been examined so far.

Having heard learned counsel for the parties, but without commenting on merits of the case; keeping in view the totality of the facts and circumstances of the case including that there is no other case against the petitioner as well as the fact that conclusion of trial will take sufficient long time, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Lalit, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

11.08.2023

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(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No