

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201

**CRM-M-11240-2022
Date of decision:- 23.02.2023**

Sandeep @ Sonu

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

This is the 3rd petition seeking grant of regular bail under Section 439 Cr.P.C in FIR No.46, dated 25.04.2020 lodged for offences under Sections 304-B/201/34 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, at Police Station Battu Kalan, District Fatehabad.

The case of the prosecution is that FIR (Annexure P-2) has been registered on the statement of Sarjit Singh wherein he stated that his youngest daughter Ramandeep Kaur had performed a love marriage with Sandeep @ Sonu (present petitioner) about five years back and two daughters were born out of the wedlock. For the last about two years, his daughter and son-in-law, who was working at a Petrol Pump were staying at village Khabra Kalan, District Fatehabad. It has been alleged that Sandeep is a drug addict and had been physically assaulting his

daughter despite the fact that the petitioner tried to reason out with him. About three-four days back, he received a phone call from his daughter, who expressed an apprehension that Sandeep and his brother Pawan will burn her. Due to lockdown, the complainant could not go to her matrimonial home. On 24.04.2020, he received a telephonic call from the Sarpanch of the village Khabra Kalan that Ramandeep Kaur has expired due to burn injuries.

Learned counsel for the petitioner has contended that essential ingredients of offence under Section 304-B of IPC are lacking. He submits that there is no allegation of physical harassment on account of non-fulfillment of demand of dowry. Still, further by referring to the testimony of the complainant (Annexure P-9), he urges that the complainant has deposed that the marriage took place 8 to 10 years back. Counsel submits that the first petition filed by the petitioner was withdrawn vide order dated 25.11.2021 (Annexure P-5) with liberty to approach the Sessions Court and the second petition was dismissed as not pressed on 13.10.2021 (Annexure P-7). He submits that meantime the vital witnesses, including the Sarpanch of the village have been examined and they have been declared as hostile. He submits that the petitioner, who is in detention from 29.09.2020 deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from ASI Hardayal as opposed the petition and has submitted that the petitioner is accused of a heinous offence. He submits that the deceased died due to burn injuries and the onus is on the petitioner to explain the circumstances in which his wife died. As per his instructions, 14 out of 25 witnesses have been examined.

Having heard counsel for the parties, but without adverting to the merits or demerits of the arguments addressed, this Court is prima facie of the opinion that the involvement of the petitioner in the offence will remain controvertible before the trial Court. Petitioner is in confinement for the last more than 29 months and considering that the material witnesses have been examined with remote possibility of an early conclusion of trial, this court is inclined to accept the prayer made in this petition.

In view of the above, present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

23.02.2023
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(SUVIR SEHGAL)
JUDGE

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