

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

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**CRM-M No. 14715 of 2023
Date of Decision : 28.3.2023**

*Ravinder**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Yadav, Advocate, for the petitioner

Mr. G.S. Dhillon, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.372 dated 12.9.2021 under Sections 376, 498-A, 120-B and 304-B IPC (Section 354-A IPC added and Section 376 IPC deleted later on) registered at Police Station Kanina, District Mahendergarh.

2. The FIR was lodged by deceased's father on the allegation that his daughter was pressurised by her father-in-law to make physical relations with him. This was told by her to the complainant on 5.9.2021, but he persuaded his daughter to go back to her matrimonial home on 11.9.2021. On the next day, he got a telephonic call that his daughter was not well. On reaching there, he found her hanging from a fan in a dead condition. It was suspected that the deceased's father-in-law raped her, and hanged her after murdering.

3. Learned counsel for the petitioner contends that there is no specific allegations against the petitioner/husband in the FIR of harassing the deceased on account of dowry soon before her death. The allegations primarily were against his father/deceased's father-in-law of pressurising her to make physical

relations with him. However, after investigation these allegations were found false and offences under Sections 376 and 354 IPC against the petitioner's father were deleted. Even prior to lodging of the FIR, there has never been any complaint by the deceased or her family regarding harassment on account of demand of dowry by the petitioner.

4. Learned State counsel, on instructions from SI Virender, opposes the grant of bail on the ground that trial of the case is going on. Eight out of twenty two prosecution witnesses, including the complainant and one more material witness, have already been examined. He, however, does not deny that the offence under Sections 376 IPC stand deleted, and also that the petitioner is in custody since 5.10.2021.

5. In view of the facts aforestated, it is apparent that the material prosecution witnesses already stand examined, and offence under Section 376 IPC has been deleted. Trial of the case will take some time to conclude as twelve witnesses still remain to be examined. Therefore, no useful purpose will be served by confining the petitioner to custody during trial any further.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

28.3.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No