

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M 18194/2023****Date of decision: 14.07.2023.****Prem Kumar****.....Petitioner.****Vs.****State of Haryana****.....Respondents****CORAM HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.
 Mr. Brijesh Sharma, AAG Haryana

Nidhi Gupta, J.

Prayer in this first petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.550 dated 5.12.2022 (Annexure P-1) registered at PS Sector 27, Sonapat under Sections 302,304-B, 34 IPC. The incident took place on 4.12.2022.

2. At the time of hearing, Id. State counsel has filed reply by way of affidavit of Nar Singh, HPS, Assistant Commissioner of Police, City-I Sonipat, and custody certificate dated 13.7.2023, which are taken on record.

3. It is inter alia submitted by the Id. Counsel for the petitioner that petitioner is 63 years old senior citizen and father-in-law of the deceased. It is submitted that complainant is father of the deceased and only general allegations have been levelled in the FIR (Annexure P-1) against the petitioner and his family. It is submitted that as per allegations it has been stated that the deceased

was being repeatedly harassed by the accused husband, petitioner (father-in-law) and accused no.3 Kaushalya (mother-in-law) for bringing less dowry. It is submitted that the said allegation is patently false in view of the fact that the petitioner himself of his own accord had deposited Rs.8,50,000/- in the account of the deceased and her husband on 12.8.2021 as is evident from their statement of account (Annexure P-4). It is further submitted that the petitioner had also opened three Fixed Deposit Accounts in the name of his deceased daughter-in-law for a sum of Rs.1,50,000/- each, on 25.8.2021, 6.8.2022, and 6.8.2022 as is evident from Annexures P-5, P-6 and P-7 respectively. It is also stated that a PPF account was also opened by the in laws of deceased after her marriage in which periodically money was deposited by the in laws. It is submitted that this is evident from statement of PPF account of the deceased at Annexure P-8. It is stated that this fact has been admitted by the State in para 6 of the status report/reply filed by them. Para 6 of the status report is reproduced hereunder: -

“6. That as far as the status qua financial transactions made by petitioner vis-a-vis deceased as ordered by the Hon'ble High Court vide order dated 21.04.2023 is concerned, in this regard, it is submitted that relevant record was obtained from Bank of India, Sonipat, which vide their letter dated 22.05.2023 (Annexure-R1) reported that three FDRS i.e. two dated 06.08.2022 and one dated 25.08.2021, all amounting to Rs.1,50,000/- each were issued in the name of deceased Indu wife of Abhishek Kumar and the amount of said FDRs/TDRs was transferred from account No.675912110000001 of petitioner Prem Kumar. However, amount of said FDRs was never withdrawn or used by petitioner and the same are still lying intact and no money has been withdrawn from the said FDRs by deceased”.

It is submitted that accordingly, allegations made in the FIR against the petitioner are patently incorrect and false.

4. It is further submitted that petitioner has no role to play in the death of his daughter in law. It is submitted that even as per report dated 29.1.2023 under Section 173 Cr.PC (Annexure P-2) the deceased Indu had died as she had “*committed suicide by hanging herself*”.
5. It is next submitted that even as per Postmortem Report (Annexure P-3) ligature marks were present over the neck of the deceased and there was no other injury found on the body of the deceased.
6. Ld. State counsel while opposing the prayer for grant of regular bail is unable to dispute the above said facts.
7. Keeping in view the totality of the facts and circumstances of the present case and without commenting on the merits of the case, present petition is allowed and petitioner Prem Kumar son of Desraj is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of CJM/ Duty Magistrate concerned.
8. However, it is made clear that nothing stated above shall be taken as an expression of opinion on the merits of the case.

14.07.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No