

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17768-2023
Decided on : 20.04.2023

Sunil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aman Pal, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. This is the third petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.403 dated 05.06.2021 under Sections 304-B and 34 IPC registered at Police Station Old Industrial, District Panipat.

2. Learned counsel for the petitioner submits that subsequent to the dismissal of previous petition on 23.11.2022, all the material witnesses including the complainant stand examined.

3. While inviting the attention of this Court to the cross-examination of the complainant, who stepped into the witness box as PW-1, learned counsel submits that the complainant had made material contradictions, which seriously created a dent in the case of the prosecution and left no manner of doubt that a false and fabricated case had been planted upon him. Learned counsel further submits that the ingredients to attract the mischief of Section 304-B IPC was

clearly amiss as there was no positive act forthcoming on a perusal of the FIR in question that “soon before the death” of the deceased, she had been subjected to acute harassment on account of not getting adequate dowry as a result of which, she ended her life. Learned counsel still further submits that the petitioner has been in custody since 18.06.2021 and the trial is unlikely to conclude in the near future, hence the petitioner be extended the concession of bail, more so when all the material witnesses stand examined.

4. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has vehemently argued that the complainant i.e. father of the deceased while stepping into the witness box had supported the case of the prosecution in its entirety and reiterated the allegations levelled in the FIR in question that his deceased daughter had been continuously harassed mentally as well as physically on account of dis-satisfaction with the dowry, which had been given at the time of her marriage. Learned State counsel submits that there was enough documentary evidence on record wherein various sums of money had been transferred by the complainant into the bank accounts of the petitioner. Learned State counsel further submits that the marriage of the deceased was solemnized with the petitioner on 07.01.2019 and she committed suicide by hanging on 05.06.2021 i.e. within two years of her marriage. Learned State counsel has argued that the submissions made by counsel for the petitioner qua the ingredients of Section 304-B IPC being amiss were meritless as it was the consistent stand of the complainant, both in the FIR as well as during his deposition before the trial Court, that the deceased had been continuously meted out both physical and mental harassment by the petitioner, so much so just two

days prior to the occurrence in question, when the complainant phoned up to talk to his deceased daughter, the petitioner did not let him talk with her. Resultantly, as a result of which the complainant sent a relative to the matrimonial house of his deceased daughter where not only was that relative not allowed to meet his daughter but she too was subjected to physical assault. Learned State counsel has further submitted that the trial shall not take much time to conclude as only seven prosecution witnesses remain to be examined and the next date fixed before the trial Court is 28.04.2023 when remaining witnesses may be examined.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. *Prima facie* there are serious and specific allegations levelled against the petitioner of having subjected his wife i.e. deceased Bindu to continuous physical and mental harassment for not getting dowry as per their expectations. The alleged material contradictions, which have been referred to by the learned counsel for the petitioner, would be considered by the trial Court and at this stage, this Court would be reluctant to delve into appreciation of evidence.

7. Furthermore, only 7 out of 16 prosecution witnesses, who as per instructions received by the State counsel are formal witnesses, remain to be examined. Therefore, conclusion of the trial would not take much time to conclude.

8. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of regular bail to the petitioner.

Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a prayer has been made by the learned counsel for the petitioner for issuance of directions to the trial court for expeditious conclusion of the trial in the wake of the long incarceration of the petitioner.

10. Since the petitioner has been in custody since 18.06.2021, the trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of five months from today.

(MANJARI NEHRU KAUL)
JUDGE

20.04.2023
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No