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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24422-2023 (O&M)
Date of decision : 14.12.2023

Naveen ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Snigdha Sood, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0063 dated 02.02.2023 under Sections 306, 304-B, 34 of the Indian Penal Code, 1860, registered at Police Station Saran, District Faridabad.
2. Learned counsel for the petitioner would contend that the deceased in the present case had committed suicide at her parental home and that prior to the incident there were no complaints of any harassment for dowry except for allegations as made in the FIR that the deceased had put her status on her Instagram ID wherein it had been written “*ki hamesha stri ko hi kyu niche dikhaya jata hai*”. It is further the contention of the learned counsel for the petitioner that the petitioner has been in custody for a period

of 10 months and 09 days and that he has absolutely clean antecedents. The learned counsel for the petitioner would further contend that out of 15 witnesses only 06 stand examined and that all material witnesses have been examined and cross-examined.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 10 months and 09 days and there is no other case pending against him. Learned counsel for the State on instructions from ASI Surrender states that Section 306 IPC since stands deleted. Learned counsel for the State is not in a position to deny the fact that out of 15 witnesses only 06 stand examined and all material witnesses have since been examined.

4. Heard.

5. In the present case the FIR was registered on the statement of the father of the deceased wherein he alleged that the in-laws of his daughter were harassing her and that she had come to her parental house a number of times. On 01.02.2023 his wife and he had gone out to work and their son was also not at home. When their son reached back at 04.30 pm he saw that the room was locked. He called the complainant and on reaching home they saw that their daughter had hung herself. They took her down and took her to the hospital where she was declared as brought dead. A perusal of the FIR reveals that there are no allegations regarding demand of dowry. The deceased committed suicide at her parental house. It would be a debatable question whether in the absence of any allegations regarding demand of

dowry Section 304-B IPC would be attracted or not. As per the custody certificate the petitioner has been in custody for a period of 10 months and 09 days and there is no other case pending against him. Out of 15 witnesses only 06 stand examined and all material witnesses have since been examined and cross-examined. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

14.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO