

2023:PHHC:136710

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

CRM-M-28498-2023

Date of Decision: 19.10.2023

JAGBIR SINGH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Kunal Dawar, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 314 dated 20.09.2022 under Sections 498-A/328/302/304-B/120-B IPC (Section 406 IPC added later on) registered at Police Station Sadar Ballabhgarh, District Faridabad.

2. Status report by way of affidavit of Rajesh Lohan, Assistant Commissioner of Police, Tigaon, Faridabad on behalf of the respondent-State and custody certificate have been placed on record.

3. Learned counsel for the petitioner contends that the marriage of the deceased was solemnized with the son of the petitioner on 20.01.2022. There are general allegations against the petitioner, his wife and two sons to the effect that they had been saying that the father of the deceased has not given the dowry as per the status and she was being harassed and tortured on that score. On 19.09.2022, the deceased had gone to her parental house and she was carrying tooth powder in a small plastic box. The deceased told the family members of her in-laws that the powder has been provided by her husband as the same was medicine for treatment of pyorrhea. The deceased took out the tooth powder and applied the same on her teeth and gum and it resulted in her death. The report of FSL which indicates that aluminum phosphide was detected in the viscera. The petitioner is in custody for a period of 1 year and 28 days and not involved in any other case. There is nothing to indicate that any specific article was demanded by the petitioner

from the deceased. The occurrence took place in the parental house of the deceased. The petitioner is aged about 58 years and is the father-in-law of the deceased.

4. Learned State counsel submits that in the instant case, the charge has not been framed as the report of FSL was not received. 31 witnesses are to be examined in the instant case. The death has occurred otherwise than under normal circumstances within a period of about 09 months from the date of marriage. There are allegations to the effect that the petitioner alongwith co-accused had been harassing the deceased as dowry was not given as per the status.

5. It is significant to note that there is nothing to indicate that any specific article of dowry was demanded by the petitioner from the deceased. The petitioner is stated to be 58 years old person and father-in-law of the deceased. There are general allegations against the petitioner and the co-accused to the effect that they used to harass the deceased as the dowry was not given as per their status. The occurrence took place in the parental house of the deceased. The allegation with respect to handing over the poisonous powder have been attributed against the son of the petitioner. In the instant case, 31 witnesses are to be examined during the course of trial. The petitioner is in custody for a period of 01 years and 28 days and not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

19.10.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No