

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-31167-2022
Date of decision : 26.04.2023

Aarif

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Mohd. Arshad, Advocate, for the petitioner.

Ms. Deepshikha Chauhan, Asst. A.G. Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner-Aarif has filed the instant petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.61 dated 08.05.2021, registered under Sections 304-B, 406 of IPC (Section 34 of IPC has been deleted subsequently), at Police Station Pinangwan, District Nuh.

As per the facts of the case a written complaint was filed by Aamin against Aarif and others alleging that the marriage of his daughter i.e. the victim was performed with Aarif about 9-10 years ago. He had given dowry articles as per his status including Saplender motorcycle, cash of Rs.1,01,000/-, fridge, cooler, gold and silver ornaments etc. The accused persons were unhappy with the dowry articles. They used to humiliate her and gave her beating. They compelled her to bring *Swift* car and cash of Rs.2 lac. She was physically beaten up on account of the aforesaid demand. On 07.05.2021 at about 6 O'clock he received call from Kutakpur village

that her daughter had expired. He along with the respectables went

there and saw that her daughter had killed herself by hanging in the room. All the accused killed her on account of their demand of dowry. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner pointed out that in this case no offence under Section 304-B of IPC is made out. The chargesheet has been wrongly framed. The marriage of the petitioner allegedly took place about 9-10 years ago. She was never ill-treated on account of demand of car or cash amount. The petitioner was arrested in this case on 11.06.2021 and since then he is behind the bars. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The learned counsel representing the State has opposed the bail application. The detailed status report is also filed. It is pointed out that the challan in this case was presented on 06.09.2021 and chargesheet was framed on 30.05.2022. Now the case is fixed for prosecution evidence but it is alleged that till date no prosecution witness has been examined. Considering the gravity of offence the bail application may be dismissed.

I have considered the arguments and have gone through the record carefully. It is mentioned that the marriage of the victim took place with the accused 9-10 years ago. The chargesheet has been framed under Section 304-B of IPC. In case the charge under Section 304-B of IPC is not made out that can be amended by the trial Court *suo motu* or the accused can file application in this regard. So far as the facts of the case clearly indicate that the victim died unnatural death in the matrimonial home. She was allegedly maltreated on account of their demand of car and cash of Rs.2 lacs. The statement of

complainant and other material witnesses are yet to be recorded.
Considering the specific allegations and the gravity of offence, I do not
find a fit case for regular bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

26.04.2023.
Sunil Devi

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