

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

CRM-M-29718-2023

Date of Decision: 22.08.2023

RAHUL

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinod Gupta, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 225 dated 25.07.2021 under Sections 304-B, 323, 498-A, 506/34 IPC (alternate charge under Section 302, 406/34 IPC), registered at Police Station Uchana, District Jind.
2. Custody certificate has been taken on record.
3. Briefly, the FIR has been registered on the basis of the statement of Deepak, the brother of the deceased alleging that the marriage of his sister Pinky was solemnized with the petitioner on 04.12.2016 and a son, who is presently aged about 4 years, has been born from the wedlock. After about one year from the marriage, the petitioner started pressurising the deceased to bring cash and motor-cycle and on her refusal, the petitioner and his parents used to give beatings to her. The petitioner was also having illicit relationship with other woman. The petitioner and the in-laws of the deceased had been threatening to kill her for not bringing the dowry. On

25.07.2021, a message was received from the mother of the petitioner that Pinky has consumed some poisonous substance.

4. Learned counsel for the petitioner contends that the petitioner is in custody for a period of 2 years and 18 days. The complainant and 2 other witnesses who are the cousin and uncle of the deceased have not supported the prosecution version. Even if the petitioner was having illicit relationship and the deceased had committed suicide on that score, it will not attract the penal provisions of Section 304-B IPC.

5. Learned State counsel, has submitted that the death has occurred otherwise than under normal circumstances within a period of 7 years from the date of marriage. Out of 15, 3 witnesses have been examined.

6. It may be true that the death has occurred other than under normal circumstances within a period of 7 years from the date of marriage, but it is significant to note that the complainant while appearing in the witness-box has not supported the prosecution version. He has testified to the effect that the family members of the petitioner never raised any demand of motor-cycle or cash and they never harassed the deceased. The deceased was kept nicely by the petitioner and his family members. The deceased was under depression as she could not procure the job and had committed suicide on that score. To the similar effect is the deposition of Sanjay, PW2, the cousin and Pawan Kumar, PW3, the uncle of the deceased. In the instant case, the petitioner is in custody for a period of 2 years and 18 days and not involved in any other case. The complainant and two other relatives of the deceased have not supported the prosecution version. Still 12

witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. The petition is allowed.

22.08.2023

Janki

(VIVEK PURI)
JUDGE

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