

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-29589-2023

Date of decision: 03.07.2023

Devanand

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant petition (third petition) is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.215 dated 31.05.2020 under Sections 304-B, 498-A, 34 and 302 of the Indian Penal Code, 1860 registered at Police Station Sampla, District Rohtak.

2. Learned counsel for the petitioner inter alia contends that the petitioner (husband of the deceased) has been falsely implicated in the case in hand which is evident from the fact that the contents of the suicide note left behind by the deceased are completely silent qua any harassment with respect to the dowry demands etc. and are at complete variance with the allegations levelled in the FIR in question. In support, learned counsel has invited the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-5 wherein the complainant (mother of the deceased) alleged that her deceased daughter had ended her life as she had not got dowry as per

expectations of the accused. Learned counsel submits that however, the suicide note which has been annexed as Annexure P-3 shows that there is not even a whisper qua the alleged harassment much less for demand of dowry made by the deceased against her husband i.e. the petitioner. It has been contended by the learned counsel that just prior to the occurrence in question the deceased was caught stealing a gold ring from a jewellery store and when the petitioner confronted her with the same and pulled her up, feeling hugely embarrassed, she committed suicide by hanging. Learned counsel in support has drawn the attention of this Court to Annexure P-2, which is a CCTV footage qua the alleged incident of the deceased committing theft from the jewellery store. Learned counsel has lastly urged that since only 06 prosecution witnesses including the complainant stand examined out of the 18 prosecution witnesses cited, the trial shall take considerable time to conclude, and further incarceration of the petitioner, who has now been in custody since 01.06.2020, in the circumstances, shall serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt the suicide note left behind by the deceased is completely silent qua the alleged harassment on account of dowry demands, however, in the FIR, the complainant had categorically alleged that the deceased had ended her life on account of the harassment meted out to her by the petitioner. Learned State counsel has, however, not disputed that all the material witnesses including the complainant stand examined before the Trial Court.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody for more than 03 years having been arrested on 01.06.2020. All the material witnesses including the complainant stand examined. 12 prosecution witnesses remain to be examined and hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

03.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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