

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.32180 of 2023 (O&M)
Date of decision: 06.12.2023

Kartar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sarfaraj Hussain, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner Kartar seeking grant of regular bail in case bearing FIR No.193 dated 13.07.2022 registered under Sections 498-A, 406, 304-B and 34 of IPC at Police Station Dhauj, Faridabad, Haryana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 13.07.2022, on receipt of an information regarding death of one Usha wife of Kartar due to hanging, a police party headed by ASI Manoj Kumar reached at the place of incident at Village Pawta wherein the dead body of the victim was found hanging with a ceiling fan. The scene of crime team was called at the spot. Dead body of the victim was taken off from the ceiling fan and had been sent for conducting postmortem examination of the same. The family members of

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the victim were intimated. Smt. Bimlesh mother of the victim recorded her statement alleging that the victim was married with the petitioner-accused Kartar in the year 2016. The family members of the Kartar and he himself had started harassing the victim Usha shortly after the marriage on account of bringing insufficient dowry and by raising demand of dowry. The petitioner and his family members took a sum of Rs.2.5 lacs from the family of the complainant for the purpose of treatment of Beer Singh father of the petitioner. When they demanded the said money back, the petitioner and his family started harassing and humiliating the victim even more. On 08.07.2022 the victim was taken by the complainant with her. On 13.07.2022, the petitioner had called her back on the pretext that some hawan was to be performed at this house. The son of the complainant had dropped the victim at her matrimonial house and on the same day, at about 3 PM, she had received information about the death of her daughter by hanging. She alleged that her daughter had been killed by the petitioner and members of his family. Investigation proceedings were conducted. The petitioner was arrested. The co-accused were extended benefit of anticipatory/regular bail. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court for trial of the petitioner who is presently facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before learned trial Court which was dismissed vide order dated 05.04.2023.

3. The present petition has been filed on the grounds and learned

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counsel for the petitioner has vehemently argued that he has been falsely implicated in this case. No suicide note had been found during investigation. There were vague allegation of demand of dowry. The investigation had completed. Trial is likely to take long time. The complainant and her son who were the most material witnesses have not implicated the petitioner in the subject crime in the sworn depositions as recorded before the Court. No useful purpose is going to be served by keeping him in custody any more. Hence, he has argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has resisted the petition in terms of the status report. He has argued that there are specific and serious allegations against the petitioner. His wife had died within seven years of her marriage. There was nothing to show that there would be any undue delay in conclusion of the trial, rather the same can be expedited. Hence, he has argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel and I have gone through the record.

6. The petitioner along with his family members who have been nominated as co-accused is alleged to have subjected the victim Usha to cruelty on account of unlawful demand of dowry and is further alleged to have caused her dowry death. The co-accused Anil whose case was on same footing has been extended benefit of regular bail by Coordinate Bench of this Court vide order dated 09.06.2023 passed in CRM-M-29650 of 2023. The petitioner has placed on record a copy of statement

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dated 17.10.2023 as recorded by the complainant Bimlesh and copy of statement dated 05.12.2023 as recorded by her son PW-3 Vinit before the trial Court which shows that they have not implicated the present petitioner in the subject crime and have stated that her daughter had committed suicide as she was suffering from depression. The trial is likely to take time. The petitioner is in custody for a period of about one and half year. Keeping in view the nature of the evidence which has been led before the trial Court, the period spent by the petitioner in custody and the attendant facts and circumstances, I am of the considered opinion that the petitioner deserves to be given concession of bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court concerned.

06.12.2023
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(MANISHA BATRA)
JUDGE

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