

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 38197/2023

Date of decision: 10.08.2023.

Deepak

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Ashwani Bhardwaj, Advocate for the petitioner.
 Mr. Brijesh Sharma, AAG Haryana.

Nidhi Gupta, J.

Prayer in this first petition under section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 531 dated 28/11/2022 under sections 304-B, 328, 498-A of Indian Penal Code, 1860, registered at Police Station Sampla (District Rohtak).

FIR in this case was lodged by the father of the deceased, and reads as under:-

““Sir, the facts of the case are that on 28.11.2022 a telephone was received from PS PGI at the police station that Neelam wife of Deepak has been admitted to PGIMS in dead condition who consumed the poisonous substance, Send I.O. for action on which ASI Bijender, EHC Sunil, Lady Constable Ram Bhateri reached PS PGI Rohtak and after reaching in Emergency PGIMS Rohtak where Ajmer the

father of the deceased Neelam was met and who after discussion presented a written application to SI Vijender whose contents are:

To the SHO, Police Station Sampla, Rohtak, Sir, it is submitted that I Ajmer son Ram Chandra is resident of Sunaria Kala Rohtak, I have a son and a daughter. I marriage of my daughter Neelam was solemnized with with Deepak son Krishna resident Ismaila: 11-B on 01.11.2017. In the marriage, I had given dowry to my daughter Neelam more than my capacity. My daughter has a boy, and one daughter. For about 1 year, my daughter Neelam was kept fine but after that my daughter's husband Deepak, father-in-law Krishna, mother-in-law Mandri, brother-in-law Praveen and sister-in-law Sonia started beating my daughter and started harassing my daughter and starting torture on small issues and stated her to bring money from my house, I arranged for Rs 1,50,000/- and gave it to my daughter's husband Deepak and told him that I am an auto driver, I do not have any more money to give you. But after some time again during the CORONA period, the property and finance business of my daughter Neelam's husband Deepak came to a standstill and then he started troubling Neelam and demanded money and started saying that your Sunaria land is very expensive, so come with money from your house or take part in your land. On 26.11.2022, my daughter called me and said that Deepak and his family members are beating me and repeatedly asking

me to take share in the land, so I said that I will talk to them, while come there. On 28.11.2022, at around 4:00 am, Deepak called me and told me that my daughter Neelam has eaten something, you come to PGI Rohtak, after getting the information, I and my family members reached PGI Rohtak, then he said that I am in the KINOS HOSPITAL and then we reached the KINOS HOSPITAL, then we came back to PGI where we saw that my daughter was lying on the stretcher, Deepak left form while leaving his car after seeing us. Then my son Vikas and I showed my daughter Neelam to Dr. Saheb, then the doctor declared dead after checking up my daughter Neelam. I suspect that my daughter Neelam was murdered by feeding some poisonous substance. Therefore, legal action should be taken against Deepak husband, Krishna father-in-law, mother-in-law Mandri, brother-in-law Praveen alias Bunt Nand Sonia residents of Ismaila 11-B. Sd/- Ajmer". (Emphasis added)

Ld. Counsel for the petitioner inter alia submits that marriage of the petitioner was solemnized with the deceased on 1.11.2017 and two children were born out this wedlock who are minor and are currently in the care and custody of parents of the petitioner. It is submitted that totally false and untrue allegations have been made in the FIR regarding demand of dowry and torture of the deceased. It is stated that prior to the present FIR there was no complaint made by the deceased or her family against the petitioner. In fact, it is the petitioner who had brought the deceased to the hospital. There was no injury on the body of the deceased. Ld. Counsel for the petitioner

further states that the FIR has been lodged by the complainant after discussion, and therefore veracity of the allegations made in the FIR is dubious.

Ld. State counsel has produced custody certificate dated 9.8.2023 which is taken on record, as per which the petitioner is in custody since 9.12.2022. Ld. State counsel also states that charges in the present case are yet to be framed.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the fact that petitioner has undergone total custody as undertrial for 08 months and 1 day; charges are yet to be framed and as such conclusion of trial will take some time, and in the meantime, no useful purpose would be served by keeping the petitioner in custody; and the fact that the petitioner is not involved in any other case, the present petition is **allowed**. The petitioner Deepak son of Krishan is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

10.08.2023.
Joshi

(Nidhi Gupta)
Judge