

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

CRM-M-37445-2023

Date of Decision: 15.11.2023

PANKAJ VERMA
V/S
STATE OF HARYANA

... PETITIONER
... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.
Mr. Surinder Kumar Dagar, DAG Haryana.
Mr. Gobind Rai Sharma, Advocate for the complainant.
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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 01 dated 01.01.2023 under Section 306 IPC (Section 304-B IPC added later on and Section 306 IPC deleted later on), registered at Police Station Sector 6, Dharuhera, District Rewari.
2. Custody certificate and reply by way of affidavit of Dhaarna Yadav, Additional Superintendent of Police, District Rewari on behalf of the State have been taken on record.
3. Learned Senior counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased on 18.05.2019 and a daughter has been born from the wedlock. The deceased had committed suicide by jumping from 12th floor of the building wherein they were residing. It has been submitted that the first version of the case was unfolded in the statement of Bhagwan Singh, the father of the deceased recorded on 01.01.2023. There is no allegation with regard to demand of dowry and maltreatment meted out to the deceased on that score. It has

been specifically and categorically mentioned that on the day of occurrence i.e. 31.12.2022 at about 6:15 P.M., the deceased had a telephonic talk with her mother and even at that point of time, she had not disclosed anything with regard to the quarrel. Subsequently, at 8:15 P.M., the wife of the complainant had received the information with regard to the fall of the deceased from the flat. It has been submitted that in the supplementary statement of the complainant that has been recorded on 22.02.2023, the allegations with regard to demand of Rs. 10 Lakhs and a car have been attributed. The petitioner and the deceased were serving at Gurugram and Bhiwadi (Rajasthan) respectively. After birth of the child, the deceased was disturbed with regard to upbringing of the infant and on the score she had committed suicide. The petitioner is in custody for a period of 8 months and 9 days. The investigation of the case is complete and the challan has been presented in the Court.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that in the supplementary statement of the complainant and her son and also in the statement of the mother of the deceased, there are allegations with regard to demand of Rs. 10 Lakhs and a car, on which score the deceased was maltreated and harassed by the petitioner. The cause of death is stated to be multiple injuries on account of fall from the flat and the same were anti-mortem in nature. The death has occurred otherwise than under normal circumstances within a period of about 4 years from the date of marriage.

5. It is significant to note that the allegations with regard to maltreatment and harassment to the deceased on account of demand of Rs.

10 Lakhs and car have been raised in the supplementary statement of the

complainant that has been recorded after a period of 1 month and 22 days. Initially, the FIR was registered under Section 306 IPC and subsequently, the offence under Section 304B IPC has been added. Even in the FIR, it has been specifically and categorically mentioned that the wife of the complainant had a telephonic talk with the deceased about 2 hours prior to the occurrence and even at that point of time, the deceased had not disclosed anything with regard to the quarrel between her and the petitioner. The controversy as to whether the offence under Section 306 or 304B IPC is made out will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of more than 8 months. 19 witnesses are to be examined in the instant case. The investigation of the case is complete and the challan has been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

7. The petition is allowed.

15.11.2023

Janki

**(VIVEK PURI)
JUDGE**

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