

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-37624-2023****Date of decision : 08.08.2023****Ravi Kant Sharma****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********Present :- Mr. Pankaj Nanhera, Advocate
for the petitioner.****Ms. Upasana Dhawan, AAG, Haryana.***********RAJESH BHARDWAJ, J.**

This is the second petition filed by the petitioner praying for grant of regular bail to him in case FIR No.814 dated 10.11.2021 under Section 304-B and 34 of IPC, registered at Police Station City Hansi, Hisar.

Adumbrated facts of the case are that Ravi Kant Sharma son of Hari Om Sharma lodged the complaint before the police wherein it was alleged that he married his daughter on 01.12.2016 as per Hindu rites and ceremonies and spent about Rs.20,00,000/-. Soon after the marriage, in-laws of his daughter started harassing her on account of demand of dowry. They used to threaten her to bring Rs.10,00,000/- from her parents. The complainant and the relatives made several requests to the in-laws of his daughter not to harass her however, the same fell on deaf ear. Thereafter, his daughter and his son-in-law shifted in a rented accommodation. His daughter used to be beaten time and again. On 21.10.2021 at about 10:00 PM, his daughter called her brother and informed about the untoward incident happened with her. She requested

him to take her away from her matrimonial home failing which, her in-laws would kill her. On the intervening night of 21/22.10.2021, her husband and family members killed his daughter on account of demand of dowry. On hearing the same, they reached Hansi i.e. her matrimonial home where his son-in-law Ravikant (petitioner) and his family members misbehaved with them. His son-in-law Ravikant and family members pressurized them to enter into compromise and not to take any legal action. The request was made to take legal action against the culprits. On the basis of complaint, formal FIR was registered and investigation commenced. However, on conclusion of the investigation, challan was presented against the petitioner only and rest of the accused named in the FIR were exonerated by the Investigating Agency. During investigation, the petitioner was arrested on 12.10.2022. On the earlier occasion, petitioner has approached this Court by way of filing CRM-M-56077-2022, however, the same was allowed to be dismissed as withdrawn vide order dated 07.12.2022. He approached the Court of learned Additional Sessions Judge-cum-Judge, Special Court for Heinous Crime Against Women, Hisar praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge-cum-Judge, Special Court declined the same vide his order dated 05.04.2023. Hence, this is the second petition filed praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case simply being the husband of deceased. He has submitted that there is no allegations regarding the harassment and torture caused to the deceased soon after the marriage. It is submitted that the alleged occurrence has taken place on

the intervening night of 21/22.10.2021 whereas, the FIR was registered after a delay of about 19 days which would show that the same has been lodged after due deliberations. He submits that soon after the occurrence, brother of the deceased deposed that for the suicide of his sister nobody was responsible and the same was recorded in DDR dated 22.10.2021. He submits that there is no suicide note left by the deceased. He further submits that though the suicide of the deceased is within seven years of marriage however, there being no evidence regarding the harassment caused to the deceased on account of demand of dowry, presumption under Section 113-B of the Evidence Act is not attracted. He submits that during investigation, rest of the family members have been exonerated and the petitioner only has been challaned by the police simply there being no evidence for the allegations made against him. He has submitted that petitioner is behind bars since 12.10.2022. Investigation is complete, charges are framed and thus, he deserves to be granted bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the deceased died within seven years of marriage and the unnatural death has taken place on account of the harassment caused to deceased for the demand of dowry. She has submitted that there are specific allegations regarding the harassment caused to the deceased for demand of dowry. She has further submitted that there are specific allegations which attracts the presumption under Section 113-B of the Evidence Act thus, there is no case for grant of bail. She submits that out of 20 prosecution witnesses, none has been examined till date.

I have heard counsel for the parties and perused the record.

Evidently, the deceased was married with the petitioner on 01.12.2016. There are specific allegations regarding the harassment caused to the deceased on account of demand of dowry. Though the investigation is complete, charges are framed but out of 20 prosecution witnesses, none of the witness has been examined and the petitioner is behind bars since 12.10.2022. Whether the presumption under Section 113-B of the Evidence Act is attracted or not is a subject matter of the trial. However, in the facts and circumstances of the case, this Court does not find it a fit case for grant of regular bail to the petitioner and hence, the present petition stands dismissed at this stage.

08.08.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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