

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

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Criminal Misc. No. M-39550 of 2023

Date of decision :-18.08.2023

Rajat Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana assisted by
SI Balwan Singh.

NIDHI GUPTA J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.59 dated 21.3.2023, under Section 304-B read with Section 34 IPC, registered at Police Station Alewa, Jind. (Final report under Section 173 Cr.P.C. was submitted under Sections 304-B and 406 IPC.

As per the FIR, which was registered by father of the deceased, marriage between her deceased daughter Indu and petitioner Rajat was solemnized on 11.12.2022. After the marriage, the accused persons were not satisfied with the dowry articles and raised the demand of Creta Car also. In this pretext, they used to beat and harass the deceased daughter of the complainant regularly.

Thereafter, the deceased daughter went to her parental home on

02.1.2023 by getting fed up with them all. Thereafter, none of the accused persons neither tried to know about the well-being of her daughter nor they came to take her back. Thereafter, many panchayats were convened to settle the dispute amicably but the accused persons stuck to their demands and due to constant demands and harassments from the accused/in-laws family members, her deceased daughter tried to commit suicide by hanging herself from ceiling fan on 20.2.2023 but his (complainant's) wife saved her by removing the string but due to her serious condition, she was taken to Civil Hospital, Jind, from where she was referred and taken to Oscar Hospital, Jind for treatment. When her condition did not improve, she was taken to Agroha Medical College, Hisar on 23.2.2023 and during her treatment, on 20.3.2023 her daughter expired.

Learned counsel for the petitioner has *inter alia* submitted that the petitioner was married to the deceased on 11.12.2022 and within a few days of marriage, on 2.1.2023 she left her matrimonial home at her own and went to her parental home. It is submitted that on the date of the incident on 20.2.2023, when the deceased tried to kill herself by committing suicide by hanging herself in her parental home, the petitioner was not present there. Learned counsel for the petitioner points out that thereafter the deceased was taken to the hospitals and was under treatment for almost a month and she expired on 20.3.2023; and the complainant by filing the complaint roped in the petitioner and all his family members.

Learned counsel for the petitioner states that the basic ingredients of Section 304-B IPC that cruelty has been committed

soon before the death of the deceased is missing in the present case.

As regards the suicide note left behind, learned counsel for the petitioner has submitted that the suicide note is dated 16.2.2023, however, has been produced by uncle of the deceased on 28.3.2023, who did not used to live with the deceased or her parents.

Learned State counsel has filed the custody certificate of the petitioner dated 17.8.2023. The same is taken on record. Copy thereof supplied to the counsel opposite. As per the custody certificate, the petitioner has been in custody since 04 months and 17 days. Learned State counsel submits that the charges are yet to be framed in the matter.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time as till date the charges have not been framed; and keeping in view the facts mentioned above and the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning 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 requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

August 18, 2023

Vijay Asija

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No