

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-41560-2023
Date of Decision:17.11.2023

SATISH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioner seeking regular bail under Section 439 of Code of Criminal Procedure in case bearing FIR No.412 dated 08.07.2022, registered under Sections 498-A, 306 read with Section 34 of IPC at Police Station-Gohana City, District Sonipat (Haryana).

2. The facts of the case relevant for the purpose of disposal of this petition as briefly narrated are that on 07.07.2022, on receiving of a telephonic information regarding admission of a female in a hospital at Gohana due to consumption/ingestion of some poisonous substance, a police party had reached there where it was informed that the victim Savitri who was wife of the petitioner-accused Satish had died during treatment. Her brother Mangal Singh recorded his statement on 08.07.2022 alleging therein that the petitioner was previously married to one Santosh and after his marriage with the victim, he used to harass her on account of demand of dowry and used to extend beatings to her. The complainant had tried to prevail good sense upon

him several times but he did not listen. He alleged that due to the harassment

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meted out at the hands of the petitioner, his sister had consumed Celphas tablets on 07.07.2022 and thereafter ended her life by jumping on the railway track on the same day. Investigation proceedings were initiated. The petitioner was arrested on 13.10.2022. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was filed as against the petitioner and presently he is facing trial for commission of offences punishable under Sections 306 and 498-A of IPC. He had moved an application for grant of regular bail before learned Trial Court which had been dismissed vide order dated 09.08.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The victim did not commit suicide in her nuptial home nor she had left any suicide note. There was nothing on record to suggest that the petitioner had abetted suicide by the victim. There was an unexplained delay in lodging of the FIR. General and omnibus allegations had been levelled qua demand of dowry against him. The evidence of material witnesses had been recorded which did not prove the allegation of an demand of dowry by the petitioner. Trial was likely to take time. He was in custody for over a period of one year. There were no chances of his intimidating the witnesses. Therefore, he argued that the petitioner deserved to be given benefit of regular bail.

4. Per contra, learned State counsel vehemently argued that there were serious and specific allegations against the petitioner as it was on account of the harassment meted out at his hands to the victim that she had committed suicide. There was nothing on record to show that there was any

delay in conclusion of the trial. Hence, he argued that the petition did not deserve to be allowed.

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

6. The petitioner is in custody since 13.10.2022. The investigation has completed and the statements of material witnesses have been recorded. It is debatable as to whether there was any incitement or abetment on the part of the petitioner which ultimately led to the suicide of the victim. It is not the case of the respondent-State that the petitioner will influence any witnesses or will tamper with evidence, if released on bail. Rather, there are no chances of his intimidating the material witnesses who have since been examined. The trial is likely to take time. They were settled proposition of law is that the bail is the rule and jail is an exception. In the light of the above discussed reasons and on taking the totality of facts and circumstances as emanating from the record but without commenting on merits of the case, I am of the considered opinion, that the petitioner deserves to be given concession of bail as no useful purpose would be served by further detaining him in custody. As such, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate personal/surety bonds to the satisfaction of the trial Court.

November 17, 2023
himanshu

(MANISHA BATRA)
JUDGE

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