

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-43062-2023

Date of Decision: 05.09.2023

Sanju Kumar @ Chhote

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Ameesha Goel, Advocate for
Mr. Siddharth Sharma, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 342 dated 27.06.2022 registered under Section 304B read with Section 34 IPC (Sections 498A and 406 IPC were added later on) at Police Station Sector-10, Gurugram.

The aforesaid FIR was registered on the basis of complaint moved by complainant/father of the deceased which is reproduced as under:-

“.....Complainant got his daughter, Persi married on 25.06.2020 to a boy named Sanju s/o Vijay bahadur Yadav r/o Rashalpur Police Station, Saurikh District, Kannauj, as per Hindu Rites. The complainant, according to his standards, gave M/C household articles, Rs.7,00,000/- cash and a buffalo. However, the mother-in-law and father-in-law of the complainant's daughter, Vijay Bahadur, brother in

law, Anju and his wife, sister in laws of the complainant's daughter -Rinki and Neelam, used to demand additional dowry from my daughter on a regular basis in the form of 1 gold chain and a buffalo. When the complainant expressed his difficulty in fulfilling their dowry demands, the abovementioned people began to abuse my daughter and also hit her. The daughter of the complainant told the complainant about the beatings she received over a phone call. This incident happened four months ago. The father of the complainant immediately went to her daughter's marital house. I tried to explain my circumstances to the above-mentioned people, however, they refused to listen to me. Thereafter, I brought my daughter home the same day. They kept all the clothes and jewellery articles that belonged to my daughter. I tried to persuade my son-in-law and his family members to which they finally agreed. The complainant sent his daughter along with his son to his daughter's matrimonial home 10 days ago. My daughter's in-laws hit her and sent her to my son-in-law's house in Gurugram District, Gurugram. My son-in-law does a private job at the above-mentioned place. My son-in-law, on instructions of the above-mentioned people hit my daughter and poisoned her and my son, who was living with my daughter and her husband for her protection and his private job, discovered the same when he came home from work at 8PM on 25.06.2022. My daughter told the entire incident to my son, Deepak, who later informed me about the incident that had occurred. My son took my daughter to a private nursing home called AA-DYA Health Care, Khadsaar, Gurugram where she died. Complainant, upon receiving this information, has come to the police station along with his family members. It was revealed to me at the police station that my daughter's dead body is in the mortuary/slaughter house. Sir, the above mentioned people have abused, hit and

poisoned my daughter and killed her. I request you to kindly register charges against accused”.

Learned counsel for the petitioner, *inter alia*, submits that petitioner has been falsely implicated in the present case. Complainant in the present case is the father of the deceased-victim. Petitioner was married to the victim on 25.06.2020 as per Hindu Rites. One minor son was born out of the said wedlock, who is currently in the care and custody of his maternal grandparents. On 26.06.2022, the victim/wife died due to poisoning. Learned counsel for the petitioner further submits that the allegations made in the FIR are utterly false and fabricated as is evident from the testimonies of the complainant/father/PW-1 and brother/PW-2 dated 05.06.2023 and 15.07.2023 (Annexures P-3 and P-4, respectively), as both of them have turned hostile. The petitioner has been in custody since 27.06.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per Contra, learned counsel for the State has filed custody certificate dated 04.09.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 02 months and 07 days. It is submitted that viscera report of the deceased is yet to be received, therefore, it is prayed that till the receipt of viscera report, the petitioner shall not be enlarged on regular bail. Learned counsel for the State further submits that out of total 15 prosecution witness, 02 have already been examined by the trial Court.

Having heard learned counsel for the parties, but without commenting on merits of the case, keeping in view the totality of the

facts and circumstances of the case including the fact that the petitioner is in custody since 27.06.2022 and is not involved in any other case, as well as the fact that conclusion of trial will take some time, the present petition is **allowed**.

The petitioner-Sanju Kumar @ Chhote S/o Sh. Vijay Bahadur Yadav, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

05.09.2023

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No