

CRM-M-46102-2022 (O&M)

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2023:PHHC:038076

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(101+205)

CRM-M-46102-2022 (O&M)

Date of decision:- 13.03.2023

Ajit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.S.Toor, Advocate and
Ms. Manisha Nehra, Advocate
for the applicant-petitioner.

Mr. R.K.S.Brar, Addl. A.G., Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

CRM-11271-2023

Application is allowed as prayed for.

Order dated 14.09.2021 passed by the Trial Court, dismissing application filed under Section 319, Cr.P.C by the prosecution, is taken on record as Annexure P-14.

Main case

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No.570 dated 13.08.2020, registered for offences under Sections 498-A, 304-B and 302 of the Indian Penal Code, 1860 (for short "IPC"), at Police Station Sonipat City, Sonipat, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Ajmer on the allegation that marriage of his younger sister, Suman Lata, was solemnized with Ajit, present petitioner, on 09.03.2015 and sufficient dowry was given at the time of marriage. An amount of Rs.1 lac, in cash, was given as dowry, but that did not satisfy the greed of the accused and on 12.08.2020, they hanged her to death.

Counsel for the petitioner has urged that the petitioner has been falsely implicated. He submits that during investigation, all the relatives of the petitioner were found innocent and an application filed by the prosecution to summon them as an additional accused has been turned down by the Trial Court vide Annexure P-14. He submits that the father-in-law of the deceased, who was also an accused, had expired. By making a reference to the cross-examination of the complainant, counsel submits that the deceased was suffering from depression as despite being a post-graduate, she was unable to secure a government job. It is his submission that both the petitioner and the deceased had gone to various clinics for her check up as she could not conceive a child. Reference has also been made by the counsel to the testimony of the Doctor, PW-8, who has been examined on 11.05.2022, after the dismissal of the first petition, to submit that the prosecution has not been able to lead any incriminating evidence against the petitioner. He submits that the petitioner, who has clean antecedents and is in custody since 21.08.2020, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI, Naresh, has opposed the petition and has submitted that there are specific allegations against the petitioner. It is his argument that the accused has

been harassing the deceased for dowry and she has died in unnatural circumstances within seven years of marriage, therefore, ingredients of offence under Section 304-B, IPC are satisfied. As per further instructions, he submits that ten out of sixteen prosecution witnesses have been examined.

I have heard counsel for the parties and considered their respective submissions.

The allegations levelled against the petitioner would remain a subject matter of debate before the Trial Court and this Court is prima facie of the view that the petitioner, who is in custody for the last more than thirty months, would be entitled to be released on bail as all the crucial prosecution witnesses have been examined and the trial is not likely to conclude in the near future.

Without delving into the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

13.03.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No