

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

CRM-M-45738-2022

Date of Decision: 30.01.2023

Mahavir

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. R. Kartikeya, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

Mr. Bhisham Kumar, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

This is the second petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.452 dated 6.12.2021 under sections 304-B, 498-A, 34 I.P.C (section 406 IPC was added later on) registered at Police Station, Sohna City, District Gurugram.

As per factual matrix, a complaint was lodged by Yaad Ram i.e. father of the deceased, wherein it was alleged that he performed marriage of his daughter Lalita Kumari (deceased) with Arun Kumar son of Mahavir (present petitioner). They were blessed with a son, who was about 2 ½ years old. On 6.12.2021 he received information that his daughter Lalita had expired due to hanging. It was alleged that his son-in-law Arun Kumar, his sisters Barkha and Ruchi, aunt Kusum and mother of Arun used to harass his daughter for the demand of a car. In the morning at 8.00 AM his son received a phone call from Arun asking him to take back his sister. Thereafter, they came to know that his daughter had committed suicide by hanging. It was alleged that his son-in-law and his family members caused

the death of his daughter. A request was made to take legal action against the culprits.

On the basis of the complaint, present FIR was lodged and investigation commenced. During investigation, on 10.12.2021 a supplementary statement of the complainant was recorded, wherein the petitioner was also named and allegations pertaining to harassment to the deceased on account of dowry were levelled. Petitioner was arrested on 1.2.2022. He approached the court of learned Addl. Sessions Judge, Gurugram for grant of bail, however, after hearing the parties, the same was declined vide order dated 23.8.2022. Aggrieved by the same petitioner had approached this court for grant of bail by way of filing CRM-M-18239-2022, which was dismissed as withdrawn by this court vide order dated 9.5.2022.

Learned counsel for the petitioner vehemently contends that petitioner before this court is the father-in-law of the deceased. It is submitted that from the allegations made in the FIR it is apparent that there was no iota of allegations against the petitioner except the bald allegation that the whole family of in-laws of deceased had harassed the deceased. Counsel submits that in a deliberated manner the investigating agency recorded the supplementary statement of the complainant after four days of lodging the FIR, wherein false and fabricated allegations were made against the petitioner and hence he was also implicated in this case. It is further submitted that mother-in-law of the deceased was granted anticipatory bail by this court and after completion of investigation challan was presented against three accused i.e. the husband Arun Kumar, mother-in-law and the present petitioner. Counsel submits that from the reading of the allegations

made in the FIR, no case for harassment of the deceased on account of demand of dowry is made out and presumption under section 113-B of the Evidence Act would not be attracted in this case. Counsel submits that petitioner has no criminal antecedents and he has spent more than one year behind the bars. It is further submitted that complainant in this case has already been examined by the learned Trial Court and thus in the overall facts and circumstances of the case petitioner deserves to be granted bail.

On the other hand, learned State counsel has submitted that there are specific allegations against the petitioner regarding harassment caused on account of demand of dowry. It is submitted that out of total 13 prosecution witnesses, 2 have already been examined including the complainant. It is submitted that petitioner has no criminal antecedents.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is the father-in-law of the deceased. The mother-in-law namely Shakuntla Devi has already been granted benefit of anticipatory bail by this court vide order dated 13.7.2022. Petitioner was named in the FIR in the supplementary statement recorded of the complainant on 10.12.2021. As per information provided by the State out of total 13 prosecution witnesses, 2 have already been examined including the complainant. There is nothing on record to show that petitioner has any criminal antecedents.

This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

30.01.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No