

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

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CRM-M-48226-2023 (O&M)

Date of decision: 30.11.2023

Mandeep**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Manoj Pundir, Advocate
for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. by the petitioners seeking grant of regular bail in case FIR No. 43 dated 07.03.2023, registered under Sections 304-B and 34 of IPC (Section 302 IPC added later on) at Police Station Jathlana, District Yamuna Nagar.

2. Brief facts of the case relevant for the purpose of disposal of the present case are that the aforementioned FIR was registered on the basis of the statement given by complainant Suresh Pal alleging therein that he had four children, i.e. two sons and two daughters. His younger daughter Sonia Devi was married to petitioner Mandeep five years back. Out of the said wedlock, she had two children. It is alleged that after one or two months of the marriage of Sonia Devi, her mother-in-law Sunhari Devi, husband Mandeep (petitioner herein), brother-in-law Randeep and sister-in-law Poonam had started harassing her for bringing less dowry and on many

occasions, the said persons had beaten her for bringing less dowry and had left her at her parental home. However, the complainant had sent her to matrimonial home in order to settle her house. On 07.03.2023, the complainant came to know that his daughter had been killed by her mother-in-law Sunhari Devi, husband Mandeep, brother-in-law Randeep, sister-in-law Poonam and ucle-father-in-law Pappu on account of not bringing sufficient dowry. On receiving this information, the complainant along with his wife Lakshmi Devi and other family members reached Govt. Hospital, Radaur, where they had seen the dead body of Sonia Devi, who had injuries on her forehead, nose and right eyelid. The complainant alleged that he was sure that the death of his daughter was caused by her mother-in-law Sunhari Devi, husband Mandeep, brother-in-law Randeep, sister-in-law Poonam and uncle-father-in-law Pappu for not bringing dowry. He prayed for taking penal action against the culprits. On this statement, the FIR was registered and investigation proceedings were initiated. The petitioner was arrested on 07.03.2023 itself. After completion of investigation, challan was presented before the Court and charges were framed. Presently, the petitioner is facing trial for commission of offence punishable under Section 304-B IPC and alternatively under Section 302 IPC before the trial Court.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that the petitioner has been falsely implicated in this case on the basis of false and frivolous allegations. In fact the victim, who is his wife, was suffering from epileptic seizures even prior to her marriage and had been undergoing treatment for the same. On the fateful day also i.e. 07.03.2023, she had suffered an epileptic seizure

while she was in the washroom and had fallen down there and had become unconscious. She was taken to hospital by the petitioner and his family members. The injuries, which were found on her person, were in fact caused due to her falling down and they could not be the cause of her death. The report of FSL has been received, as per which, it was not a case of poisoning. The death of the victim was not at all homicidal. There had been no previous complaint from the complainant or the victim qua her being subjected to cruelty on account of any demand of dowry. The investigation had since been completed. The trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody any more. Hence, he has prayed that this petition deserves to be allowed.

4. *Per contra*, learned State counsel, while filing the custody certificate, has resisted the petition in terms of the status report as filed on 15.11.2023. It is argued by him that there are serious and specific allegations against the petitioner. There is nothing to show that there would be any undue delay in conclusion of trial. Therefore, he has argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have caused dowry death of the victim, who was his wife. He is in judicial custody since 07.03.2023. Copy of postmortem examination report of the victim has been placed on record, which shows that three external injuries in the form of abrasion of size 1x0.2 cm over mid of forehead; abrasion of size of 0.5x0.5 cm over root of nose and abrasion over right eyelid had been found on the dead body of the

victim. Learned counsel for the petitioner has also placed on record a copy of opinion given by a board of doctors constituted for the purpose to the effect that the injuries, which were found on the person of the dead body, could not be the cause of death of the victim. Therefore, the injuries found on the person of the victim cannot be said to be the cause of her death, rather, the same are minor in nature. Learned State counsel has admitted that the viscera contents also did not show that it was a case of poisoning.

7. The petitioner has also placed on record the copies of outdoor tickets as well as copies of reports from diagnostic centre issued in the name of the victim during the years 2017 and 2018 showing that she was suffering from generalized seizure disorder. Therefore, the possibility that the said seizure disorder was the cause of her death cannot be ruled out. The allegations in the FIR, as levelled against the petitioner and his family members, with regard to demand of dowry and consequent harassment on account of the same, are general in nature. Accused Randeep, whose case was on the similar footing, has since been extended benefit of regular bail by a co-ordinate Bench of this Court, vide order dated 10.08.2023 passed in CRM-M-38276-2023. The trial is likely to take some time. Keeping in view the period spent by the petitioner in custody, the fact that it is debatable as to whether it was a case of dowry death or not and also in view of the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner deserves to be granted the concession of regular bail.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety

bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

30.11.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No