

CRM-M-55003-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-11.04.2023

Rakesh
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vineet Kumar Jakhar, Advocate for the petitioner.
Mr. S.S. Pannu, DAG, Haryana.

ALOK JAIN, J. (Oral)

The present petition is for grant of regular bail to the petitioner in case FIR 0133 dated 06.04.2021 under Section 304-B, 34 and 498-A of Indian Penal Code, at Police Station IMT Rohtak, Haryana (Annexure P-1).

Learned counsel for the petitioner has vehemently argued that the petitioner is in custody for the last two years and there is no allegation of demand of dowry. He further submits that in fact the complainant-father of the deceased (Vidhyadhar) has refused to take the dowry articles and has made a statement to said effect which is reproduced at Page 69 of the present petition.

On the strength of the above, counsel for the petitioner has argued that the provisions of Section 304-B of IPC are *per se* not attracted.

He further submits that there is no other case against the petitioner and

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further relies upon the photographs which demonstrate that the relationship between the husband and wife was cordial and the photographs expressed the love and care between the husband and wife.

Learned counsel for the petitioner has also argued that, in fact, it was the petitioner who had inform the police by calling at 100 and for the said fact relies upon the statement of Constable Pardeep 869 Rohtak Police recorded on 08.04.2021. Learned counsel for the petitioner has also argued that as per Annexure P2-E, the Investigating Officer prepared the spot inspection report of the dead body in the presence of witnesses, however, despite the fact that he was present on the spot, he has not been named in the said list of witnesses.

Learned counsel for the petitioner also relies upon the order passed by the Hon'ble Supreme Court in the case of his father who has been granted the concession of regular bail vide order dated 10.08.2022 (Annexure P-5).

Per contra, learned counsel for the State has vehemently opposed the grant of bail to the petitioner and has submitted that by virtue of imposition of Section 304-B of IPC, the onus is on the petitioner to demonstrate that the death of the wife did not occur due to any mitigating circumstances created by the petitioner. He further relies upon Section 113-B of the Evidence Act to substantiate his arguments.

Learned State counsel further submits that the trial is at a sensitive stage where 04 out of 13 witnesses have been examined and the complainant's examination-in-chief has been conducted but the cross-examination is yet to be conducted.

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After hearing learned counsel for the parties, I do not find any merit in the present petition, as there are serious allegations levelled against the petitioner, who is the husband and a loss of human life has occurred. It is admittedly that the daughter-in-law has expired within seven months of her marriage and the petitioner being husband has the responsibility of the well being of his wife.

Accordingly, the present petition is dismissed.

(ALOK JAIN)
JUDGE

April 11, 2023
Parul

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