

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

214

Criminal Misc. No. M-51526 of 2023

Date of decision :-16.10.2023

Anil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

NIDHI GUPTA J. (Oral)

Prayer in this second petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner during pendency of the trial in case FIR No.254 dated 22.12.2021, under Section 304-B, 34 IPC (Sections 406 and 498-A IPC added subsequently and Section 34 IPC deleted), registered at Police Station Bhattu Kalan, District Fatehabad.

The FIR was registered on the basis of statement of father of the deceased. The contents of the FIR, reads as under :-

“Statement of Rajesh Kumar Slo Chandu Lal S/o Jeewan Ram Sharma R/o Sindh Nawan Police Station Bhel, District Bhiwani aged about 45 years M. No. 90506-69676. Stated that I am resident of above said address. I use to do agriculture work. I

am 9th standard pass. In my family Shakuntla Devi is my wife aged about 42 years. I have three daughters and one son. Eldest daughter Manju aged about 24 years younger to her is Sanju aged about 22 years and eldest one is Renu aged about 18 years and eldest to all boy namely Gaja Nand aged about 14 years. Marriage of my daughter Manju was solemnized on 21.11.2017 with Anil Kumar S/o Om Parkash Sharma R/o Ramsara, Police Station Bhattu Kalan, District Fatehabad. The marriage functions were performed at our village Sind Nawan. After the marriage of Manju two daughters were born elder daughter is Vanshika aged about 3 years and youngest daughter is two years. On dated 21.12.2021 at about 04:00 PM we got the information that Manju is not feeling well. She is ill you come to Bhattu Hospital and in anxiety we called at the family members of Anil Kumar about her then they informed that Manju is unconscious then I alongwith my wife Shankuntla and alongwith my uncle Indraaj S/o Jeewan Ram R/o Sind Nawan reached at the house of my daughter Manju Ramsara then the family members of Anil informed that at about 3:00 PM Manju committed suicide at the roof of the house and she has died and her dead body is kept at government hospital, Bhattu Kalan. That my daughter Manju was harassed by her in-laws namely son-in-law Ani Kumar, mother-in-law Maya Devi, sister-in-law Manju daughter of Om Parkash for not bringing the dowry and gave beatings to her. In this regard earlier Panchayats have been convened and after making understood we sent back the Manu at her in-laws. Manju used to feel humiliated when she was subjected to daily beatings at her in-laws house for bringing less dowry. Manju told this to me and to my wife on

phone. We suspect Anil Kumar, Maya Devi and Manju (sister-in-law) that due to their harassment, she has taken a step like suicide or has been murdered, feeling insulted by her in-laws for not fulfilling the demand of dowry. Strict action should be taken against these three on the basis of the medical report after getting Manju's post-mortem done and finding out the real reason behind her death. On reaching Ramsara, yesterday, I could not give my statement to you due to lack of knowing the exact cause of Manu's death and in grief of Manju's death, now after knowing the truth, I have written my statement to you."

Learned counsel for the petitioner *inter alia* submits that the petitioner was married to the deceased on 21.11.2017. It is submitted that two daughters were born out of the said wedlock, who are currently residing with the parents of the petitioner. It is submitted that the daughters are very young aged 04 years and 03 years respectively, therefore, they require more care and support of the father/petitioner herein. Learned counsel further submits that prior to the present incident, the deceased had made no complaint whatsoever against the petitioner or his family. It is submitted that even in the present incident, upon receiving the information, the complainant/father of the deceased had stated that he will first verify the facts before registering the complaint against the petitioner. Learned counsel further submits that the second case registered against the petitioner is FIR No.198 of 2021, under Sections 381, 411, 34 IPC, registered at Police Station Dandh, in which he has already been granted bail by the Judicial Magistrate 1st Class, Kaithal vide order dated 26.4.2023 (Annexure P-4).

Learned State counsel has filed the custody certificate dated 13.10.2023 in Court today. The same is taken on record. Copy thereof is supplied to the counsel opposite. As per the said custody certificate, the petitioner has been in custody as undertrial for a period of 01 year, 08 months and 25 days. Learned State counsel opposes the prayer for grant of regular bail to the petitioner that serious allegations have been levelled in the FIR.

I have heard learned counsel for the parties and gone through the case file carefully.

Without commenting on the merits of the case, however, keeping in view the totality of facts and circumstances of the case, including the fact that the trial of the case is likely to consume considerable time as not even a single witness has been examined so far; and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner-Anil Kumar s/o Om Parkash be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

October 16, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No