

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

CRM-M-54391-2022

Date of decision : 01.03.2023

Kamaljeet

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Alok Mittal, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.144 dated 28.06.2019, under Sections 498-A, 304-B, 120-B of IPC, registered at Police Station Sadar Narnaul, Haryana.

Adumbrated facts of the case are that the complaint was lodged by Suresh Kumar son of Sawant Singh. It was alleged that he married his daughter Pooja Yadav with Kamaljit son of Rohtash on 10.02.2019. He spent the amount on marriage more than his capacity. However, soon after the marriage, husband of his daughter and in-laws started harassing his daughter on account of demand of dowry. Though he tried his level best to make them understand but the behaviour of her in-laws did not change. Time and again his daughter used to complain to him regarding the harassment caused to her by giving taunting and beating her up by her husband and in-laws. On 26.06.2019, mother-in-law of his daughter called them up and demanded Rs.25,000/-. Thereafter, on 27.06.2019, devar of his daughter called them up and informed about the illness of his daughter. They apprehended that his daughter has been

administered poison by her husband and in-laws. They reached there and found his daughter dead. The postmortem was conducted by the Board of Doctors. Request was made to take legal action against the culprits. On the basis of complaint, formal FIR was registered and investigation commenced. The postmortem of the deceased was conducted and the petitioner was arrested on 12.08.2019. Petitioner approached the Court of learned, Additional Sessions Judge, Narnaul praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge, declined the same vide his order dated 10.01.2020. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

It has been vehemently contended by counsel for the petitioner that the petitioner has been implicated in this case only being the husband of the deceased. He has submitted that the marriage of the petitioner took place with the deceased on 10.02.2019 and she committed suicide on 27.06.2019. He has submitted that within such a short span simply inferring that the harassment was caused to the deceased on account of demand of dowry is totally beyond the facts and circumstances of the case. He submits that it was a love marriage of both the petitioner and deceased and there was no question of any demand of dowry or the alleged harassment as alleged in the FIR. He submits that after a thorough investigation, challan was presented only against the petitioner. Thereafter, supplementary challan was filed against mother of the petitioner whereas father was summoned under Section 319 Cr.P.C. He submits that both of his parents are already on bail granted by this Court. He submits that the petitioner is behind bars from last more than three years and there is no cogent evidence produced by the prosecution

which would attract the presumption under Section 113-B of the Evidence Act. He submits that even otherwise, material witnesses already stand examined and thus, the petitioner is not in a position to tamper with the prosecution witnesses. He submits that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

Learned State counsel, on the other hand, has submitted that the daughter of the complainant committed suicide within hardly about five months of her marriage on account of harassment caused to her for demand of dowry. He submits that the material witnesses already stand examined and they have supported the case of the prosecution. He submits that out of 22 prosecution witnesses, 16 witnesses already stand examined. He has fairly submitted that the co-accused i.e. parents of the petitioner are already on bail. He further submits that as per instructions, the petitioner is not involved in any other criminal case except the present case.

Heard. Evidently, the marriage in question has taken place on 10.02.2019 and the suicide by daughter of the complainant on account of alleged harassment has taken place on 27.06.2019. Petitioner is behind bars from last about 3½ years. The majority of the witnesses already stand examined and thus, even otherwise, the petitioner is not in a position to tamper with the prosecution evidence.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that

learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.03.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No