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2023 : PHHC : 138348

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53066-2023

Date of Decision: 30.10.2023

VICKY

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Jindal, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG Haryana.

Ms. Mehak Ghangas, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 146 dated 19.02.2023 under Section 304-B IPC, registered at Police Station Samalkha, District Panipat.

2. Custody certificate has been taken on record.

3. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased about 1-1/2 years prior to the occurrence and there are allegations with regard to demand of money and maltreatment meted out to the deceased. During the lifetime of the deceased, the matter was reported to the police and dispute was amicably settled. On 16.12.2022, the deceased had made a statement withdrawing the complaint which was submitted by her against the petitioner and his family members. The FIR has been lodged at the instance of the father of the deceased. It has been specifically and categorically stated that the deceased was residing in her parental house for a period of 4 months and even the

death took place on 19.02.2023 in the parental house. There is nothing to indicate that after the withdrawal of the complaint, which was initially submitted, the deceased had returned back to the house of her in-laws. The father, mother and brother of the petitioner have been found to be innocent during the course of investigation and the challan has been presented only against the petitioner.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that the death has taken place otherwise than under normal circumstances within a period of 1-1/2 years from the date of marriage. There are specific and categorical allegations levelled against the petitioner with regard to demand of dowry and money. In the earlier complaint submitted by the deceased, her medico-legal examination was conducted and 6 injuries were found on her person.

5. It is significant to note that there are specific and categorical allegations in the FIR to the effect that earlier the compromise was effected and the complaint was withdrawn. Even the deceased had got recorded her statement on 16.12.2022 in this regard. The parents and brother of the petitioner have been found innocent and challan has been presented only against the petitioner. The death took place in the parental house of the deceased where she was residing for a period of 4 months, prior to occurrence. In such circumstances, it will be a debatable and moot point as to whether the deceased was harassed on account of demand of dowry soon before her death. The petitioner is in custody for a period of more than 6 months. The investigation of the case is complete and the challan has already been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the

petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

30.10.2023

Janki

(VIVEK PURI)
JUDGE

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