

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

201

CRM-M No. 55590 of 2022 (O & M)

Date of Decision : 1.6.2023

*Mohit Saini**..... Petitioner**versus**State of Haryana**..... Respondent***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Gautam Dutt, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

Mr. P.S. Ahluwalia, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.281 dated 15.7.2021 under Sections 304-B and 34 IPC registered at Police Station Pinjore, District Panchkula.

2. The FIR was lodged on the statement of deceased's father that her daughter, who was married to the petitioner in 2017, was being harassed by her in-laws for bringing less dowry. The matter was disclosed to him several times but the deceased was made to understand and asked to settle in the matrimonial house. The deceased had a daughter aged about four years, and was four months' pregnant on 15.7.2021, when he received a call informing that she had committed suicide.

3. Learned counsel for the petitioner contends that ingredients of the alleged offences are not made out against the petitioner. There are no specific allegations against him alleging cruelty or harassment to the

deceased soon before her death. He has referred to monetary transactions between the parties, detailed in the petition, which indicate that the petitioner and his family members have transferred certain amounts from March 2019 to June 2021 in favour of the complainant and other family members. This indicates that the deceased was not being subjected to any cruelty, nor was there any demands of dowry etc. by the petitioner or his family at any point of time. The fact of these transactions having taken place stands verified by the police during investigation. He further contends that during trial, the complainant has already been examined, and the petitioner is in custody for about two years now.

4. Learned State counsel, on instructions from ASI Arjun Singh, assisted by learned counsel for the complainant, opposes the grant of bail on the ground that the allegations are serious and the deceased has committed suicide while she was four months pregnant. Besides, there is electronic evidence in the form of recorded conversations and chats between the deceased and her brother indicating that she was subjected to cruelty and physical abuse by the accused. However, she does not dispute the correctness of the monetary transactions, as the same were verified at the time of granting anticipatory bail to the petitioner's parents by this Court vide order dated 13.7.2022. There are twenty prosecution witnesses out of whom only the complainant has been examined so far. The petitioner is in custody since 31.7.2021 and there is no other case against him.

5. The submissions of learned counsel for the parties have been considered.

6. The petitioner is in custody for over one year and ten months

now, and the complainant has already been examined. The trial will take some time to conclude as nineteen prosecution witnesses still remain to be examined. The veracity and effect of electronic evidence against the petitioner will be appreciated by the trial Court at the time of finally deciding the case. At this stage, no useful purpose will be served by confining the petitioner to custody any longer.

7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Pending miscellaneous application(s), if any, stands disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

1.6.2023

Ashwani

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