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

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Date of Decision:- 20.12.2023

Avnish Kumar @ Abnish Kumar Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Kumar, Advocate for the petitioner.

Mr. Narender Singh Behgal, AAG Haryana.

Mr. Anoop Verma, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Avnish Kumar @ Abnish Kumar Sharma has filed the present 2nd petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 539 dated 05.11.2021 registered under Section 304-B and 498-A of I.P.C. (charge under Section 306 I.P.C. framed in alternative) at Police Station Palla, Faridabad.

2. The facts of the case are that Vijay Kumar Sharma complainant gave his statement to the police that marriage of his daughter (victim) was solemnized with Avnish Kumar on 25.07.2015 according to Hindu Rites. Initially, she was treated well. Out of this wedlock, she gave birth to two sons; elder son age about 6 years and younger son age about 1½ years. After few days, his son-in-law brought his daughter to the house of his uncle at Village Tilpat, Faridabad. His daughter was ill-treated by her husband Avnish Kumar, father-in-law Ram Gopal Sharma, mother-in-law Kamlesh, paternal father-in-law Prempal, Krishan Gopal @ Nehna, Shri Pal

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and brother-in-law Lakhan, on account of their demand for more dowry. His son-in-law used to beat his daughter under the influence of liquor. Ultimately, his daughter committed suicide by hanging on 05.11.2021. With these allegations, present F.I.R. has been registered.

3. The learned counsel for the petitioner pointed out that statements of material witnesses have been recorded i.e. Vijay Kumar PW1 and Vineet Kumar Sharma PW2. The case is at initial stage. Other prosecution witnesses are yet to be examined. It is pointed out that the present petitioner is in custody since 05.11.2021. He is ready to abide by the terms of bail order. Therefore, it is prayed that the 2nd regular bail application filed by the petitioner may be allowed.

4. Bail application is opposed by the learned counsel representing the complainant. It is argued that there are specific serious allegations against the present petitioner. The daughter of the complainant lost her life, leaving behind two minor children. Therefore, he is not entitled to be released on bail.

Status report has been filed by learned State counsel, which is taken on record. The learned State counsel filed status report taking the stand that there are serious allegations against the present petitioner. Out of 12 prosecution witnesses, three witnesses have been examined and the next date fixed in this case is 05.12.2023. Earlier, the regular bail application filed by the petitioner was declined by this Court. It is prayed that the 2nd regular bail application may also be declined.

5. I have considered the arguments and have gone through the record. The first regular bail application bearing CRM-M No. 30478 of 2022 filed by the petitioner was declined by this Court vide order dated 12.12.2022. Now, the second regular bail application has been filed mainly

on the ground that the present petitioner is in custody since long and two of the prosecution witnesses have been examined. I have considered the stand taken by the learned counsel for the petitioner. It is matter of record that statement of father of the victim i.e. complainant Vijay Kumar as PW1 and statement of Vineet Kumar Sharma as PW2 have been recorded. As per the status report, one more witness has been examined by the trial Court. The status report indicates that the challan is presented in this case on 22.12.2021 i.e. period of about 2 years lapsed and till date only three witnesses have been examined. The long custody of the present petitioner cannot be ignored but at the same time the gravity of offence and recording of statements of other material witnesses can also not be ignored. Under these circumstances, considering the gravity of offence, I do not find a fit case for regular bail and the second regular bail application filed by the petitioner Avnish Kumar @ Abnish Kumar Sharma is accordingly, declined.

However, the trial Court is directed to expedite the trial and to conclude the same preferably within 06 months from the date of passing of this order.

The petition is accordingly, disposed of.

Pending application(s), if any, shall also stands disposed of.

20.12.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes
Yes/No