

Neutral Citation No. 2023:PHHC: 154640

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

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CRM-M-58171-2023 (O&M)

Date of decision: 05.12.2023

Salender**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanjeev Majra, Advocate
for the applicant-petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 263 dated 16.06.2023, registered under Sections 304-B and 34 of the IPC (alternate Section 302/34 of the IPC) at Police Station Sadar, District Jind.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Pardeep alleging therein that his sister Sudesh was married to Sonu on 15.01.2021 according to Hindu rites and ceremonies. Huge amount of money was spent in the marriage. In-laws family of his sister was greedy and after her marriage, his sister had told him

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that they were raising demands of gold ornaments. The petitioner, who was her brother-in-law (husband of sister-in-law), had been making demand of gold ring and her *Jeth* and *Jethani* were also demanding gold ring and chain. The complainant and his parents pacified her to settle matrimonial house. He further alleged that his sister delivered a male child and at the time of *Chhuchak* ceremony, several gifts had been given but the in-laws of his sister were not satisfied. They started raising more demands and used to extend beatings to her. The same demands were reiterated at the time when his sister had delivered a female child. He further alleged that on 14.06.2023, he had made a telephonic call to his sister but she was not responding and, therefore, he suspected some foul play played with her. In the same morning, he again made a call to her sister but could not get through. On the night of the same day, he was informed that his sister had committed suicide by hanging herself. He prayed for taking penal action against the culprits. After registration of the FIR, the investigation proceedings were initiated. Postmortem examination of the dead body of the victim was conducted. The present petitioner was arrested on 24.06.2023. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of offence punishable under Section 304 read with Section 34 of the IPC. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 06.11.2023 (Annexure P-1).

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. He is in custody since 24.06.2023. The victim had died by hanging

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herself. Neither the complainant nor his family members, namely PW-2 Mukesh and PW-3 Ajit, had supported the version of the prosecution while recording their sworn depositions in the Court and had turned hostile. His custodial interrogation is not required. No useful purpose would be served by keeping the petitioner in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that there are specific and serious allegations against the petitioner. The viscera contents of the victim had been sent to FSL and the report is yet to be come. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have caused dowry death of victim Sudesh by subjecting her to cruelty on account of demand of dowry. The complainant, who is the brother of the victim and lodger of the FIR, has not supported the version of the FIR in his statement recorded before the trial Court on 31.10.2023 as it is shown from his statement that he had been declared hostile and when subjected to pertinent questions of cross-examination, he had not relented and is shown to have maintained the stand that the present petitioner had no role to play in the death of his sister. Similarly, PW-2 Mukesh/another brother of the victim and PW-3/uncle of the victim, are also not shown to have supported the prosecution version and in their respective sworn depositions, they have exonerated the present petitioner from the allegations as leveled against him. The petitioner is in custody since 24.06.2023. As per postmortem report, the death of the victim was suicidal in

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nature. Keeping in view the nature of evidence, which has come on record, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Therefore, in view of the above attendants facts and circumstances, it is held that it is a fit case for extending benefit of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

05.12.2023

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>