



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

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**CRM-M No.1001 of 2024
Date of Decision: 29.05.2024**

Shubham

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.(Oral)

1. The instant one is the fourth petition as filed by the petitioner under Section 439 of Cr.P.C. seeking regular bail in case arising out of FIR No.10 dated 11.01.2022 registered under Sections 304-B, 34 and 498-A of IPC at Police Station Dadri City, District Charkhi Dadri. The previous three petitions as filed by him have been dismissed as withdrawn.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Mahesh Sharma alleging therein that the victim Honey who was his elder daughter was married with the petitioner on 30.04.2021. Soon after her marriage, she was being tortured by the petitioner and his mother on account of demand of dowry.

They withdrew the amount of Rs.1,74,000/- which was lying deposited in

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the bank account of his daughter. The daughter of the complainant apprised him about the harassment meted out at the hands of the petitioner and his mother. On 09.01.2022, he had brought the victim to his house. She was under great stress at that time due to the threats extended by the petitioner on mobile phone to her and he tried to pacify her. She also told him that the petitioner had sold her entire jewellery given at the time of her marriage. On 11.01.2022 also, the petitioner made call to the victim and extended threats to her due to which she was quite upset. On the same day, when the complainant was at his work place, the petitioner called him and told him to look for the victim. The complainant tried to connect with her telephonically and as she did not pick up the phone, he sent his father to her room and she was found hanging with the fan. She was rushed to hospital but was declared to be brought dead. While alleging that his daughter had died due to the harassment given by the petitioner and his mother on account of demand of dowry, he prayed for taking action. After registration of FIR, investigation proceedings were initiated. Offence under Section 34 of IPC was deleted. The petitioner was arrested on 02.02.2022. The postmortem examination of dead body and inquest proceedings were conducted. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences.

3. The petitioner had moved application for grant of regular bail before the learned trial Court which was dismissed on 08.04.2022.

4. It is argued by learned counsel for the petitioner that he is in custody for a period of two years and three months. The oral allegations

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regarding cruelty and harassment to the deceased do not fulfill the prerequisite to invoke presumptions under Sections 304-B and 498-A of IPC or Section 113-B of the Indian Evidence Act, 1872. There are false and frivolous allegations against him. Infact, the deceased performed marriage with the petitioner on 17.03.2021 against the wishes of complainant and though to save himself from taunts of the society, he performed their marriage on 30.04.2021 but after her 'pag phera' she visited her parents only on 09.01.2022 but was mentally and emotionally tortured by them to such an extent that she decided to end her life and made a call to him before committing suicide. The petitioner had immediately called the complainant but in the meanwhile, she ended her life. The ingredients for commission of offence punishable under Section 304-B of IPC are not attracted in this case. The trial is likely to take time. The complainant stands examined. There are no chances of his intimidating the witnesses or absconding. His further detention will not serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed and he deserves to be extended benefit of bail.

5. Status report has been filed by the respondent-State. It is submitted therein and it has been argued by learned State counsel that there are serious and specific allegations against the petitioner. His wife died a suicidal death under unnatural circumstances within a period of eight months of her marriage with the petitioner. There are specific allegations of torturing the victim by the petitioner and his family members on account of demand of bringing insufficient dowry. There is presumption of the victim dying a dowry death which has not been rebutted. The complainant in his sworn

deposition has fully supported the prosecution version. Therefore, it is

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argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

7. The petitioner is alleged to have harassed the victim who was his wife on account of bringing insufficient dowry and on account of demand of dowry and she is proved to have died a suicidal death within a period of eight months of her marriage. No doubt, she had died at her parental house. However, it is revealed from the record that she had come to her parental house just two days before her unfortunate death and had been complaining about the harassment meted out at the hands of the petitioner and her in-laws. There are grave and serious allegations against the petitioner. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the subject offences, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

29.05.2024
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(MANISHA BATRA)
JUDGE

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