

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-8983-2023(O&M)
Date of Decision: 28.02.2024

AMAN

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Vineet Dhanda, Advocate for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Ashwani Gaur, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 Cr.PC by the petitioner seeking regular bail in case arising out of FIR No.343 dated 27.09.2022 (Annexure P-1) under Section 304-B and 34 of IPC, registered at Police Station Uchana, District Jind.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 27.09.2022, an information had been received regarding the victim being admitted in CMC Hospital, Hisar due to injuries sustained after falling from terrace, a police party headed by ASI-Rajesh Kumar reached there, where it was informed that the victim has already died. Thereafter, the statement of complainant-Kulbir who is the brother of the victim Sakshi was recorded alleging that victim was married with the present petitioner on 27.03.2022. Just after 23 days of the marriage, the petitioner and his family members had started harassing her on account of

demand of dowry. The victim had apprised them about this fact and they had tried to convince the petitioner and his family members not to raise any such demands, even panchayat meetings were also convened but to no avail. In fact, the petitioner wanted to go abroad. Therefore, he was raising demand of Rs. 20 lakhs for this purpose. He alleged that amount of Rs.3,00,000/- had already been given to the petitioner by them but the demands still persisted. He further alleged on 24.09.2022, on receiving a call about the victim being in a critical condition, he reached at the house of matrimonial house and found her lying in a state of unconsciousness. Her hands and legs were bent and injuries were found on her body. He alleged that the petitioner and his family members had a hand in causing death of the victim and it was a case of dowry death. After registration of the FIR, investigation proceedings were initiated. The present petitioner was arrested on 27.09.2022. After completion of necessary investigation and formalities, challan under Section 173 Cr.PC was presented against him and presently, he is facing trial for commission of aforementioned offences.

3. The present petition has been filed by the petitioner and it is argued by his counsel that he has been falsely implicated in this case. He is in custody for a period of more than one and half year. In fact the victim was suffering from some mental disorder. She had died due to fall from terrace and it was not a case of causing dowry death. It is argued that trial is likely to take considerable time and none of 15 prosecution witnesses has been examined so far. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the present petition deserves to be allowed.

4. Per contra, petition has been opposed by the respondent-State in terms of status report. It is argued by the learned State counsel assisted by counsel for the complainant, that there are serious and specific allegation against the petitioner who was a young girl of only about 22 years of age and who died within a period of six month of her marriage with the petitioner in the very beginning of matrimonial life. The petitioner and his family members had been raising demand of dowry and Rs.20 lakhs from the family of the victim as the petitioner wanted to go abroad. As per the postmortem report, victim had died due to complication of head injury as sustained by her. Some contusions and abrasions were also found on her person which pointed towards this fact that she had a struggle before her death. It is a case homicidal death. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel assisted by learned counsel for the complainant at considerable length and had gone through the record.

6. As per the allegations, the victim-Sakshi had died an unnatural death within a period of six months of her marriage with the present petitioner. The allegation that she was suffering from mental disorder is not made out from any as no material in this regard has been produced by the petitioner. The death of the victim had occurred at her matrimonial house. It is prima facie appearing to be a case of homicidal death. The trial has commenced. The material witnesses are yet to be examined. There is nothing to show on record that there would be undue delay in conclusion of the trial.

The chances that the petitioner may intimidate the prosecution witnesses

cannot be ruled out. Therefore, keeping in view the nature of the subject offence, the fact that the gravity of the offence is the prime consideration for granting/denying benefit of bail to an accused and only the period of incarceration is not sufficient, the quantum of sentence which the conviction may entail and the antecedents facts and circumstances of the case, now I am considered opinion that the petition does not deserve to be allowed at this stage. Therefore, the same is dismissed.

28.02.2024

Deepak Patwal

(MANISHA BATRA)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO