

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

220

CRM-M-9521-2024

Date of decision:04.03.2024

Amzad

....Petitioner

V/s

State of Haryana

....Respondent

**CORAM: HON’BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Abhishek Jindal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

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**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.442 dated 15.09.2023, registered for the offences punishable under Sections 498-A, 304-B and 34 of IPC at Police Station Sadar Nuh, District Nuh.

2. The case set up in the FIR in question is as follows:-

*“To the S.H.O. Incharge Jaisinghpur PS Sadar Nuh. Subject: Complaint for taking legal action against 1. Amjad s/o Sehjad, 2. Sahjad s/o Jabbar; 3. Smt Batuli wife of Sahjad; 4. Sh. Wakeel s/o Sahjad and 5. Smt. Rammal wife of Wakeel, all residents of village Kontlaka, Police Station Sadar Nuh, District Nuh. Sir, it is submitted that I complainant Aslam s/o Isak, am resident of Kotlaka PS Sadar Nuh District Nuh. That I got my sister Barfina married to Amjad s/o Sehjad r/o Kotlaka on 26.02.2023 as per Muslim rites and ceremonies and we spent more money and gave hefty dowry in the marriage more than our capacity which included 1 Splendor Motorcycle, Rs. 1,01,000/- Cash, 152 Utensils, Household articles, Furniture, 2 Kg Silver Jewellery, 20 gm Gold Jewellery. But the accused persons were not happy with the dowry given in the marriage and from the very next day of the marriage, the accused persons started teasing my sister that she came from a beggar family and also started saying that your family had stolen our son and that he was worthy of a Dezire Car. My sister told them that my father is a poor man*

*and that he had got me married after taking a loan. That my sister kept on bearing such snides, jibes, remarks and disclosed the same to me and my family, due to which we went to their village Kotlaka along with other persons from our community. Irrespective of the above, the aforesaid persons did not desist from their demands and on dated 02.07.2023 when my sister went to her matrimonial home for the second time after her marriage, the accused persons again started raising dowry demands and started harassing and physically assaulting her and even after our requests and appeals the accused persons did not budge from their methods and said that if you were to come to our home again then be sure of bringing Rs. 1,00,000/- Cash or otherwise do not come to our house. Thereafter, on dated 14.08.2023 Amjad came to take back my sister upon which my father requested him with folded hands that I will fulfil your entire demands slowly and steadily and that he did not had the money yet and that they should not harass his daughter. Even after my sister went to her matrimonial home for the third time, even then the aforesaid accused persons kept on harassing my sister along with physically assaulting her, upon which my sister called me on telephone and told me that the accused persons were beating her daily for not bringing Rs. 1,00,000/- in cash and they were not giving her food to eat and that they were planning daily to kill her and that any bad deed can happen to her anytime. The aforesaid persons did not even allow me to talk to my sister from the last 3-4 days and neither did they receive our calls. That today on dated 15.09.2023 at around 6 A.M. in the morning, a phone call was received from an unknown person mobile no. 9306798647 upon the mobile no. of my father no. 9813802767 and disclosed that the aforesaid accused persons had killed your daughter after administering poison and they have taken her to Nuh. That upon receiving this information, we immediately reached Medical College Nalharh and upon our reaching there the aforesaid accused persons ran away leaving behind my sister at the Medical College. My sister was declared dead at the Medical College Nalharh by Doctor Sahab. Thus I pray to you that stringent legal action be taken against the aforesaid accused persons. Dated 15.09.2023. Complainant Aslam s/o Isaak r/o Rithora PS Rochka Mev District Nuh Mobile no. 9813802767”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.10.2023, investigation in the case is already complete

and trial is underway. Learned counsel has referred, *in extenso*, to the testimonies of PW-1 (complainant/brother of the deceased), PW-2 (father of the deceased) and PW-3 (another brother of the deceased) to argue that all the private/material witnesses have turned hostile and hence in, all likelihood, the trial is not likely to culminate into conviction of the petitioner. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 03.03.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.10.2023 whereinafter investigation was carried out and challan was presented on 22.12.2023. Total 13 prosecution witnesses have been cited out of which the private/material witnesses stand examined. The rival contention of learned counsel for the parties; regarding the weightage required to be attached to the testimonies of hostile witnesses i.e. PW-1 (complainant/brother of the deceased), PW-2 (father of the deceased) and PW-3 (another brother of the deceased); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of

justice or interfering with the remaining prosecution evidence. As per custody certificate dated 03.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 04 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)  
JUDGE

March 04, 2024  
*Ajay*

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