

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CRM-M-9609-2024

Date of decision:18.04.2024

Bhagat Singh @ Bhola Dagar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

Mr. Bhisham Kumar, Advocate for the complainant.

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.332 dated 09.05.2022, registered for the offences punishable under Sections 304-B, 498-A, 34 and 406 (added later on) of IPC at Police Station Sector-58, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To SHO Sec-58, Faridabad. Sir, my name is Shivraj son of Sripal, resident of village Bhanakpur, Tehsil Gonchi, Baliabhgarh, Faridabad. We are three brothers and sisters. Wo married our elder sister Mamta on 19.06.2020, with Bhagat Singh, son of Amar Singh resident of village Jhatsaintely Ballabhgarh. My daughter Mamta has nine months old daughter. On 09.05.2022, in the morning Meghshyam son of Ramavtar, who was mediator of the marriage told on telephone that your daughter has committed suicide. We did not receive any information from Family. When we came here and saw then we found out that on the fan Chunni is tied and Mamta is lying down. From the family members, no one was found and only mother-in-law Raj Bala was there. When my sister Anjana turned dead body, then there were marks of severe beatings and blood was oozing out from ear. There were excessive marks of beating on the body. After some time of marriage, boy and mother-in-law started beating our

daughter. Girl used to call me and my younger sister Anjana that every day they tell me that what has your father given, we are so rich, one crore rupees was to be spent in marriage of our son, big vehicle was to be received when many time it happened then Mamta told us. After one year and few months a girl was born then they started harassing her more that you have not given birth to a son. When Mamta was pregnant, then her husband Bhagat Singh and mother-in-law Raj Bala used to tell that we require 50,00,00 rupees in choochak, tell your father in this regard. Her brother-in-law Sumit, younger sister-in-law, Poonam had beaten her many times and called her bad names. Elder sister-in-law Komal with her mother Rajbala whenever she used to come, then harass Mamta and used to tell her to throw her out. She used to tell everything to my sister, and my father talked to them and prayed to them that I have married my sister after seliing my land, and I have given them dowry more than my capacity and whatever was possible. Do not disturb Mamta but today on 09.05.22, my sister Mamta has been murdered by all the family members and who have tried to show the same as suicide. It is prayed for you give them strictest punishment who are greedy of dowry so that nothing happens to some other sister. We have suspicion upon husband, Bhagat Singh Dagar alias Bhola, mother-in-law, Raj Bala, sister-in-law, Poonam, Komal, brother-in-law Sumit. Kindly grant us justice. Applicant Shivraj son of Sripal village Bhanakpur Tehsil Gonchhi Ballbhar district Faridabad.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.05.2022. Learned counsel has further argued that petitioner is husband of the deceased and their marriage was solemnized on 19.06.2020. Initially the FIR was registered against five persons. However, challan has been presented only against the petitioner and his mother and the other three relative have been found to be innocent. During the course of proceedings, an application under Section 193 of Cr.P.C. was moved and the same has been dismissed on 19.10.2023. The charge has been framed under Section 304-B of IPC and in the alternative under Section 302 of IPC. According to learned counsel, the prosecution intends to examine 16 witnesses. The allegations with regard to demand of cash of Rs.50 lacs have been attributed jointly against the petitioner and his mother, who has been

accorded the concession of regular bail by coordinate Bench of this Court vide CRM-M-32856-2023 on 14.11.2023. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition by 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 17.04.2024 in Court, which is taken on record.

5. Learned counsel for the complainant has opposed the grant of bail to the petitioner by arguing that there were injuries on the person of the deceased which indicate that she was given severe beatings. The cause of the death is hanging. The death has occurred otherwise than the normal circumstances within a period of two years from the date of marriage. The deceased had left behind 09 months old child, who is in custody of the complainant. Moreover, there are allegations of demand of cash of Rs.50 lacs.

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

7. The petitioner was arrested on 13.05.2022 whereinafter investigation was carried out and challan stands presented on 12.07.2022. Total 16 prosecution witnesses have been cited and examination of the witnesses is yet to commence. No specific allegation exclusively against the petitioner has been attributed with regard to demand of cash. The culmination of the trial is likely to take some time and no fruitful purpose would be served by further detention of the petitioner. As per custody certificate dated 17.04.2024 filed by learned State counsel, the petitioner has

not shown to be involved in any other case. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

8. 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.

9. 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.

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

(SUMEET GOEL)
JUDGE

April 18, 2024
Ajay

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