



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

108

CRM-M-10733-2024 (O&M)
Date of decision: 17.09.2024

SURESH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Shiv Kumar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The present second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.279 dated 18.04.2022 under Sections 304-B, 34 IPC registered at Police Station Sector-58, Faridabad.
2. Status report by way of an affidavit of Anil Kumar, Inspector, Station House Officer, Sector-58, Faridabad along with the documents filed on behalf of the respondent-State are taken on record.
3. The first petition under Section 439 Cr.P.C. (CRM-M-43843-2022) for grant of regular bail to the petitioner was dismissed as withdrawn by the Coordinate Bench of this Court vide order dated 01.12.2022.



4. As per the prosecution case, the FIR was registered at the instance of the father of the victim. The victim got married to the petitioner on 25.06.2021 and she died an unnatural death by consuming a poisonous substance on 17.04.2022. The complainant had alleged that the petitioner and his family members were not satisfied with the dowry articles given by the complainant and they made a demand of Rs.1 lakh and 1 motor-cycle. Panchayat was also convened and thereafter, the prosecutrix was again sent back to her matrimonial home. On 17.04.2022, the prosecutrix deliberately made a phone call to the complainant informing him that the petitioner and his relatives were again making demand of dowry. Thereafter, the son of the complainant got intimation from a third person about the admission of the victim to the hospital. The death of the victim took place in the hospital.

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 18.04.2022. He further contends that the petitioner is suffering from various ailments as both the kidneys of the petitioner have failed. Learned counsel for the petitioner submits that medical condition of the petitioner is serious and proper counselling is required to be given to the petitioner so that he can undergo dialysis. The investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. Conclusion of trial is going to take time as only 1 witness-complainant has been examined out of total 26 witnesses, as such, prayer for releasing the petitioner on bail has been made.

6. On the other hand, learned State counsel has opposed the bail petition on the ground of gravity of allegations against the petitioner. Learned State



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counsel on instructions from ASI Krishan Kumar has informed that there are total 26 prosecution witnesses and one witness-complainant has been examined. As per the status report dated 02.05.2024, final report under Section 173 Cr.P.C. was submitted in the trial Court on 15.06.2022 and charges under Sections 498-A, 304-B IPC and in the alternating Section 302 IPC were framed on 06.09.2022.

7. It is further a version of the petitioner that initially Suman (sister-in-law of the petitioner) was allegedly given a poisonous substance by the victim and she was taken to the hospital as per the medical report (Annexure P-3). Later on, the victim got afraid and she herself consumed poisonous substance.

8. I have heard the learned counsel for the parties and perused the relevant documents.

9. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The allegations and counter-allegations are matter of trial. As per the custody certificate dated 08.09.2024, there is no history of other case against the petitioner and he is in custody for 02 years 04 months and 10 days.

10. The petitioner is having a medical condition. As per the reply/status report dated 07.09.2024, the petitioner remained admitted at Civil hospital, Faridabad from 27.08.2024 to 31.08.2024 and he was diagnosed with chronic kidney disease, hypertension and severe anemia. He was referred to Safdarjung hospital, New Delhi for further management. Presently, the petitioner is being managed under the Department of Medicine in Safdarjung hospital, New Delhi and requires hemodialysis from 31.08.2024 till date.

11. Another status report dated 15.09.2024 confirms the aforesaid fact that the petitioner is being managed under the department of medicine in



Safdarjung hospital, New Delhi and was referred to department of nephrology on 09.09.2024 regarding further management. However, the petitioner was brought back in the jail and his medical condition is being managed in the jail by the doctors.

12. As per the discharge summary of the Safdarjung hospital, New Delhi appended with the status report dated 15.09.2024, the petitioner was explained by the doctors about the need of dialysis in the further course of disease but the petitioner denied consent for dialysis.

13. In view of the custody undergone by the petitioner and in view of his medical condition, but without expressing any opinion on merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

14. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17.09.2024
P.Bhatt

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