

2024:PHHC:033067

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

214

CRM-M-11336-2024
Date of decision: 07.03.2024

RANJEET KUMAR

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Punit Malik, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

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.284 dated 16.06.2023, registered for the offences punishable under Sections 304-B and 34 of IPC Police Station, Dabua, District Faridabad.

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

“To the SHO, PS Dabua, Faridabad, Sir I Shivnath S/o Ram Nandan Singh R/o Village Semra, PO Bandhu Chappra, PS Koilover, District Bhojpur, Bihar, presently residing in the house of Ajay Mukhia, Village Harola, Sector 5, Noida, UP. I have one son namely Jatinder Kumar and two girl child namely Pushpa Kumari, aged 24 years and Asha Kumari aged 19 years. I married my daughter Pushpa Kumari with Ranjeet Kumar s/o Vinod Kumar, R/o Village Chanduwara, PS Punpun, district Patna, Bihar on 11.05.2017 as per Hindu Rites and Rituals and I had given the dowry beyond my capacity. My son in law Ranjeet and my daughter Pushpa along with his parents started residing at Parkash Nagar, Village Bhajdi, Faridabad on rent. My son in law Ranjeet and his mother Savita Devi used to beat my daughter and were harassing her for dowry. They used after two to demand a motorcycle, years of marriage I gave Rs. 40,000/- to my son in law but still they used to harras

my daughter for dowry. On 15.06.2023 at around 6:30 PM my son in law called my son Jitender that Pushpa hanged herself and she died. My daughter Pushpa had sent a whatsapp video to my son Jitender on his whatsapp before committing suicide, in the said video she was saying that her husband and mother in law torture her for dowry and due to this she is committing suicide and they both are responsible for my death. I will handover the marriage card and the list of dowry articles along with the whatsapp video later on. My daughter Pushpa was harassed by his husband and mother in law for dowry, due to which she committed suicide. We have given a complaint against Ranjeet and Savita at Govt. Hospital Faridabad. Strict legal action be taken against them. Sd/- Shivnath Singh, 99114-55190."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.06.2023 & trial is underway. Learned counsel for the petitioner has referred, *in extenso*, to the testimonies of PW-1-complainant (father of the victim) as also PW-2 (brother of the victim) to argue that the material/star witnesses of the prosecution have turned hostile and, thus, the trial is not likely to culminate into conviction. Thus, regular bail is prayed for.

4. Counsel for the State 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 regular bail.

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

6. The accused was arrested on 17.06.2023 whereinafter investigation was carried out & challan was presented on 12.09.2023. Total 17 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties regarding the weightage required to be attached to the hostile

witnesses 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 perceptible 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 the custody certificate dated 07.03.2024 filed by the learned State counsel, petitioner has suffered incarceration of more than 08 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 in the entirety of the facts and circumstances of the case.

7. In view of totality of factual matrix of the present case, the instant 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/Illaqa 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 07, 2024
poonam

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