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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:03.07.2024

Anil

...Petitioner

V/s

State of Haryana and another

...Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vivek Chaudhary, Advocate for
Mr. Sumit Singh Bairagi, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.
Mr. Punit Malik, 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.440 dated 06.09.2022, registered for the offences punishable under Sections 304-B, 34 and 498-A of IPC at Police Station Pataudi, District Gurugram, Haryana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To, S.H.O. Sir, P.S Pataudi, District Gurugram. Subject: Legal action to be taken regarding the application against 1. Anil s/o Joginder (husband) 2. Sunil s/o Joginder (brother-in-law) 3. Suman Devi wife of Jogendra (mother- in-law) 4. Aanchal wife Sunil (sister-in-law) 5. Jogendra son of Jagat (father- in-law) Caste Rajput resident village Jatauli, Tehsil Pataudi, District Gurugram, Haryana. Respected Sir, It is a humble request that I am Deepak, son of Satpal, resident of village Kayala, tehsil and district Bhiwani. My father is suffering from paralysis. I had a sister, Meenu, who was married on 30/04/2021 to Anil, son of Jogendra, resident of village Jatoli, tehsil Pataudi, district Gurugram. Being my only sister, we had given dowry in her marriage, which was more than our means, about Rs 30 lakh by selling two acres of our land. Who had given all the



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wedding stuff and Rs 11 lakh in cash in the marriage, but the above culprits were not satisfied with the amount of dowry, due to which my sister's husband, father-in-law, father-in-law and brother-in-law used to tease her about bringing less dowry and harassed her. They Often said that. She came from hungry house, it has cut off our nose. My brother-in-law Anil used to demand a Creta car. My sister Meenu used to tell my mother about the demands of the above mentioned culprits. So we used to explain to the above accused that my father is already suffering from paralysis disease and my mother is always ill, whatever we could, we sold the land and got her married. We don't have the capacity to provide Creta car. But the culprits did not desist from their habits. My sister's mother-in-law, Suman, used to demand Rs 15 lakh in cash and her brother-in-law also said that he would not let her stay in the house until she brought Rs 15 lakh and her father-in-law was a drug addict and would drink alcohol. He kept abusing Meenu and saying that she had ruined our society and left us nowhere worth speaking about. Dowry was not given as per our status in the society. Sister-in-law Aanchal used to quarrel on small matters and kept saying that she will not let her live in this house. And whenever my sister used to tell us about these fights, I alongwith my uncle and Taj used to come to explain to the above culprits, but they all still remained adamant on their demands. My sister Meenu told my mother about her husband Anil's wrong relationship with another girl. she had heard him talking to some girl on phone many times. And had also seen him talking vulgar things on video call. When I spoke to Anil, he apologized and asked me not to do such tricks in future. Often he used to tell me that we will not keep you in our house and unless you bring dowry we will not keep you in our house. Yesterday on 05/09/2022, at around 6:25 in the morning, my sister Meenu called on my phone number 8307250094 from her phone number 9518173961 and said that all the culprits have been beating and luring me for the last 3-4 days. And I have a fear that something bad can happen to me at any time but I explained to her that no problem, I will talk to them, after that I tried to contact the above mentioned culprits but I could not contact them. Then at around 1 o'clock I called my sister's mobile number 9518173961 from my mobile number 8059072670. She was very upset and scared and said that all of them have gathered together to make some plan and have been beating me since morning. thereafter my mother, my father my maternal grandfather and the Dilail Sarpanch reached Kharak Jatauli, the above accused kept avoiding telling us anything. They did not tell us anything. When we inquired from



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neighbours, we came to know that they had done something wrong with Maunu. When we strictly asked Jogendra father-in-law, he told us that Meenu was admitted in the government hospital, Pataudi. When we went there, we saw that Meenu was lying there in a dead state, there was blood coming from her nose and it seemed that she had been strangled. All the above mentioned culprits, in consultation with each other, have murdered my sister Meenu by beating her to death in the lust of dowry. Strictest legal action should be taken against everyone. Date 06/09/2022- SD- Deepak applicant and Deepak son of Satpal resident of village Kayla, tehsil and district Bhiwani. MO 8059072670.”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 18.09.2022. Learned counsel has further argued that the petitioner was serving as a soldier in the Indian Army and was mostly posted on forward stations and hence the petitioner and the deceased have stayed together for a very short time. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated into the FIR in question as the deceased was under mental depression on account of which she has committed suicide. 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 02.07.2024 in Court, which is taken on record.

5. Learned counsel appearing for the complainant has vehemently oppose the grant of regular bail to the petitioner by arguing that the allegations against the petitioner are extremely serious in nature and thus, he ought not to be extended the concession of regular bail. It has been further

argued by learned counsel for the complainant that the story of the deceased

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suffering from mental depression is a concocted one and the same does not find any support by any medical evidence/material available on record so far. Learned counsel has further argued that the entire private prosecution witnesses have not yet been examined and, therefore, the likelihood of the petitioner interfering with the prosecution evidence, if released on bail, cannot be totally ruled out.

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

7. The petitioner was arrested on 18.09.2022 whereinafter investigation was carried out and challan stands presented on 15.12.2022. Total 32 prosecution witnesses have been cited out of which 06 witnesses already stand examined & hence culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question and as to whether the deceased had committed suicide on account of her suffering from mental depression; 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 prosecution evidence. As per custody certificate dated 02.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year and 09 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 facts and circumstances of the case.

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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.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.



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12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 03, 2024
Ajay

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