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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRA-S No.1112 of 2024
Date of decision: 13.05.2024

Ankit ... Appellant

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Susheel Gautam, Advocate,
for the appellant.

Ms. Nidhi Garg, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant appeal has been filed by the appellant for setting aside the order dated 01.03.2024 passed by the Court of learned Additional Sessions Judge, Panipat in case arising out of FIR No.330 dated 24.07.2022 registered under Sections 304-B, 34 and 498-A of IPC and Sections 3 (1) (r) and 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short “SC&ST Act”) at Police Station Model Town, Panipat, District Panipat, whereby prayer made by the appellant for grant of regular bail had been declined.

2. Brief facts of the case relevant for the purpose of disposal of

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the present appeal are that on 21.07.2022, on receipt of an information at the police control room, Panipat regarding admission of one Anjali wife of Ankit in Ravindra Hospital, Panipat as a case of hanging, a police party rushed towards the hospital and obtained opinion of doctor regarding the condition of the victim. She was opined to be unfit to make statement on that date as well as on 22.07.2022. On 23.07.2022, she had been referred to PGI Khanpur. On 24.07.2022, information was received regarding her death. On the same day, a written complaint was submitted by the complainant Karnail Singh i.e. father of the victim alleging therein that on 30.11.2020, his daughter had performed love marriage with the accused Ankit Sharma. The families of both the sides had given consent for the marriage. Few months after her marriage, his daughter told him that the members of her in-laws family used to raise demand of dowry and taunt her by calling her by name of her caste. He alleged that some months back, Anjali visited his house and informed him that the appellant Ankit was having illicit relationship with his neighbourer Richa Sharma and she had even seen them in compromising position. She also informed him that all the members of her in-laws family used to call her as “chamari, dhed, kameeni, randi” and teased her on caste basis. His daughter had even reported the matter to the police but by pacifying her, her in-laws used to take her back home.

3. The complainant further alleged that he received information regarding the death of the victim only on the evening of 24.07.2022, from

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his brother-in-law and also alleged that she had been killed by the appellant and his family members. After registration of FIR, investigation proceedings were initiated. The appellant was arrested on 25.07.2022. After completion of investigation, challan was presented before the learned trial Court and presently, he is facing trial for commission of aforementioned offences. He had moved application for grant of regular bail before the learned trial Court which was dismissed vide the impugned order dated 01.03.2024.

4. The present appeal has been filed by the appellant on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 25.07.2022. The complainant and other material witness Bhag Singh have not supported the prosecution version before the learned trial Court. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. While dismissing his bail application, the learned trial Court did not take all these facts into consideration. Therefore, it is argued that the appeal deserves to be allowed.

5. Per contra, learned State counsel has argued that there are serious allegations against the appellant and keeping in view the gravity thereof, he does not deserve to be extended benefit of bail.

6. I have heard learned counsel for the appellant and learned State counsel at considerable length and have gone through the record.

7. The allegations against the appellant are that he had subjected

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the victim who was his wife to cruelty on account of demand of dowry and due to the harassment meted out at his hands, she ended her life by hanging herself and died a suicidal death as on 24.07.2022. The appellant has placed on record Annexure A-2 which is copy of sworn deposition of the complainant as recorded before learned trial Court as on 20.02.2024 and a perusal of the same reveals that he did not implicate the appellant in the commission of the subject crime and rather stated that his daughter had gone in depression after her marriage and neither any demand of dowry was raised by her in-laws or the appellant nor she was harassed on that account or on account of her caste and had stated that she had hanged herself due to depression. This witness had been ordered to be declared hostile on request of learned Public Prosecutor and was permitted to be cross-examined by him. However, no incriminating evidence is shown to have been extracted from the testimony of the complainant even thereafter.

8. Similarly, Annexure A-3 is copy of statement recorded by PW-3 Bhag Singh who too resiled from his previous statement and did not support the prosecution version at all. The material witnesses have not supported the prosecution version. The appellant is in custody since 25.07.2022. The trial is likely to take time. No useful purpose would be served by detaining the appellant in custody any more. No doubt, the victim Anjali is proved to have died a suicidal death within a period of less than two years of her marriage with the appellant. However, keeping

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in view the nature of the evidence which has come on record, the period of incarceration of the appellant and the discussion as made above, I am of the considered opinion that the further detention of appellant would not serve any useful purpose. Accordingly, the order dated 01.03.2024 passed by the learned trial Court is set aside, the appeal is allowed and the appellant is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

9. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.05.2024
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(MANISHA BATRA)
JUDGE

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