

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-15501-2024

Date of Decision: 04.04.2024

Altaf

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Munfaid Kahan, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ashish Gupta, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

Memo of appearance filed on behalf of the complainant is taken on record.

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 67 dated 12.02.2023 registered under Sections 323, 328, 498-A, 304-B, 406, 316 and 34 IPC at Police Station Sadar Tauru, District Nuh.

Briefly, the aforesaid FIR was registered on the basis of complaint moved by the complainant/father of the deceased stating therein that marriage of his daughter/deceased was solemnized with the present petitioner 03 years prior to the occurrence as per Muslim rites and

sufficient dowry was given in the marriage. One son was born out of the said wedlock. According to the complainant, the petitioner used to maltreat and beat his daughter on account of demand of more dowry and son of the complainant/brother of the deceased had also transferred money in the account of the petitioner and other accounts; and also gave cash to them several times to save his sister from the beatings by the petitioner or his family members. Even Panchayat was also convened at the house of in-laws of the deceased several times, but they kept on raising demand of more dowry. As per complainant, 12 days prior to the registration of FIR i.e. on 31.01.2023, the deceased was given beatings by the petitioner; and the petitioner and his father had also made a phone call to the complainant and his son. The complainant got transferred Rs.10,000/- from the account of his son to the account of accused. Thereafter, on 11.02.2023 around 10:00 AM, his daughter was killed by giving poison. The accused persons took the deceased to Nalhar Medical College and ran away from there alongwith her ornaments. The complainant came to know about the incident on phone from some other person in the night around 10:00 to 10:30 P.M., that the petitioner and his family members have killed his daughter and she was in Nalhar Hospital.

Learned counsel for the petitioner, *inter alia*, submits that petitioner was married to the deceased 03 years prior to the occurrence and one son was born out of this wedlock. During the period of 03 years of marriage of the petitioner with the deceased, no complaint of any kind was ever made or registered against the petitioner. It is stated that the complainant has been examined as PW-3 and has turned hostile, as is

evident from his testimony dated 27.02.2024 (Annexure P-2). Even real brother of the deceased examined as PW-4, as well as cousin brother of the deceased examined as PW-5, too have turned hostile as is evident from their testimonies dated 27.02.2024 (Annexure P-3 and P-4, respectively). It is further submitted that cause of death was due to consumption of poison. The petitioner has been in custody since 27.03.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State has filed custody certificate dated 03.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year and 06 days. As per custody certificate, there is no other case against the petitioner. Learned counsel for the State submits that the cause of death is yet to be ascertained as FSL report has not been received, so far. He further submits that out of total 22 prosecution witnesses, 09 have already been examined. Learned counsel for the State admits that all the material witnesses stand examined.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner and perusal of the custody certificate reveals that there is no other case against the petitioner; and the fact that material witnesses have already been examined; and also the fact that conclusion of trial will take considerable time, and no useful purpose would be

served by further detention of the petitioner. Thus, the present petition is **allowed.**

The petitioner-Altaf S/o Hakmuddin is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

04.04.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No