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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17712-2024 (O&M)
Date of decision: 16.07.2024

Rajender

... Petitioner

Vs.

State of Haryana

... Respondent

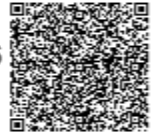
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This is second petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case bearing FIR No.137 dated 21.05.2023 under Sections 304-B, 498-A, 34 of the Indian Penal Code, 1860, registered at Police Station Industrial Area, Bhiwani, District Bhiwani.
2. The present FIR was registered on the allegations that marriage of son of the petitioner was solemnized with sister of the complainant (since deceased) on 22.08.2022 and after the marriage, the petitioner and his family members started taunting the deceased and also demanded dowry including plot and bullet motorcycle. They also used to give beatings to deceased. On



21.05.2023, she committed suicide by hanging.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner earlier approached this Court by filing CRM-M-49791-2023 seeking regular bail in the FIR (*supra*), which was dismissed as withdrawn on 01.12.2023. The new ground for filing this second petition is that now the material witnesses have been examined. It is further contended that the petitioner is father-in-law of the deceased and is serving in Social Welfare Department, Govt. of Haryana and he used to visit his native village only on weekends. There are no specific allegations against the petitioner. The petitioner is behind bars since 22.05.2023 and he is not involved in any other case.

4. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that marriage of son of the petitioner and deceased was solemnized on 22.08.2022 and the deceased committed suicide within one year of the marriage and there was specific allegation against the petitioner.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind bars since 22.05.2023 and the trial of the case has not even reached halfway mark as only 10 out of 24 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his

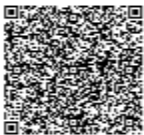


rights under Article 21 of the Constitution of India.

6. A two Judge Bench of the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed as under: -

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

7. In view the above, present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner Rajender is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of learned



Illaq Magistrate/trial Court concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

16.07.2024
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[HARPREET SINGH BRAR]
JUDGE

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