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

221 **CRM-M-17979 of 2024**
DATE OF DECISION :- 08.08.2024

Magar Singh **...Petitioner**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Aditya Sanghi, Advocate
with Mr. Himanshu Garg, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

None for respondent No. 2.

SUMEET GOEL, J. (Oral)

Vide order dated 03.07.2024, the concerned SHO (through the learned State counsel) was directed to inform respondent No. 2 about the next date of hearing in the present case.

Learned State counsel (on instructions from ASI Jasvinder Singh) has submitted that the said respondent has been informed.

None has entered appearance on behalf of respondent No. 2.

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.224 dated 11.09.2022, registered for the offences punishable under Sections 498-A/304-B/34 of IPC at Police Station Nangal Chaudhary, District Mahendergarh, 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, the SHO, Police Station Nangal Chaudhri. Subject: Regarding registration of Report. Sir, It is requested that I Kavita Devi wife of Satvir Yadav Resident of Nai Kothi Ki Dhani Ganeshwar Police Station Neemka ka Thana, Police Station Sadar and marriage of my daughter Manisha was solemnized on dated 16.03.2022 with Magar Son of Kartar Singh, that Father-in-law of my daughter Karat and Santosh mother-in-law used to cause harassment to my daughter Manisha, that my daughter Manisha told that if you shall not pay sum of Rupees Two Lacs to us then we shall continue harassing her like that. That yesterday on dated 10.09.2022 husband Magar, Father-in-law Kartar and mother-in-law killed my daughter hanged her noose, that today I have come along with my son Ashish submitted an application to you. Legal action may be initiated against above persons. Signature Kavita Devi, Kavita Devi wife of Satvir, Nai Kothi ki Dhani, Ganeshwar, Tehsil Neem ka Thana, Police Station Sikar Rajasthan, Mob. No. 958706848, 9509836407. Police Proceedings: Yesterday on dated 10.09.22 information was received through Control Room Narnaul in Police Station that Manisha wife of Magar caste Ahir R/o Nangal Pipa has hanged herself noose. Send 10 for proceedings, that upon this information myself SI along with Constable Mahesh 791 along with Government vehicle Number HR350 0567 driver HGH Abhey Singh reached the spot, photographs of place of incidence have been clicked and family of Manish mother Kavita Devi has been informed over phone, today Kavita Devi along with her son Ashish has come present in Police Station and submitted an application, Keeping in view of above mentioned application prima facie a case is made out under section 498A, 304B, 34 IPC, So Statement for registration of case is being sent by hand through Constable Mahesh 792 to Police Station, After registration of the case number of the case may be informed, myself SI am present at the spot for



investigation. Today: in the house of Kartar Nangal Pipa SD SURESH SI PS N. CHY DT. 11.09.22 AT 5:15 PM. Today at Police Station: At present upon receipt of above mentioned statement in Police Station, above mentioned case was registered under above mentioned sections, copy of police file along with original statement for investigation is being sent through arrived CT to responsible Investigation officer at the spot. Special reports are issued and are being sent for the kind perusal of Ilqa Magistrate and senior officers. Record was completed.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.09.2022. Learned counsel has further submitted that a suicide note dated 18.10.2022 alleged to have been written by the deceased- Manisha Devi forms part of the challan and a perusal thereof does not reflect any allegation of dowry against the petitioner. Learned counsel for the petitioner has further argued that the deceased was under mental stress on account of which she has committed suicide. Learned counsel for the petitioner has further argued that out of total 21 cited prosecution witnesses, all private prosecution witnesses (which are total 12 in number) have been examined whereinafter an application under Section 319 Cr.P.C was preferred for summoning of additional accused. Learned counsel for the petitioner has further submitted that the order passed upon the said application under Section 319 of Cr.P.C was challenged by the father and mother of the present petitioner before this Court and vide order dated 09.02.2024 in CRR No. 275 of 2024, notice of motion has been issued and further proceedings qua the petitioners (therein) have also been stayed but the trial against the petitioner has been directed to continue. Learned counsel for the petitioner has thus argued that, the culmination of trial will take its



own time. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Status report by way of affidavit of Sh. Hardeep Singh, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, Haryana filed in the Court today. The same be taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

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 06.08.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 14.09.2022 whereinafter investigation was carried out and challan stands presented on 12.12.2022. Total 21 prosecution witnesses have been cited out of which all private witnesses stand examined. It is not in dispute that after the examination of the complainant as a prosecution witness, an application under Section 319 of Cr.P.C was preferred, order passed whereupon is under challenge before this Court in CRR No. 275 of 2024. The rival contention of learned counsel for the parties; as to whether the offence under Sections 304-B/302 IPC is made out against the present petitioner in the factual matrix of the case & as to whether the deceased committed suicide on account of mental stress; 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 06.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 year and 10 months and 22 days & 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.

7. 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 cell-phone 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



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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

08.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No