



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

107+213

CRM-M-18805-2024 (O&M)
Date of decision: 13.05.2024

Sagar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr.Anshumaan Dalal, Advocate, for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Jitender Sehrawat, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

CRM-20947-2024

For the reasons stated in the application, the same is allowed.

Amended memo of parties is taken on record.

Registry is directed to carry out necessary correction in the
memo of parties.

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1. Present petition has been filed under Section 439 of Cr.P.C.
for grant of regular bail to the petitioner in case bearing FIR No.407 dated
05.10.2023 registered for the offences punishable under Sections 304-B/34
of IPC (Section 34 deleted and Section 498-A added later on) at Police
Station Sampla, Rohtak District Rohtak.



2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To SHO, P.S. Sampla, Subject: For action about forcing Hmanshi daughter of Surender, village Bhainsru Khurd, to commit suicide due to dowry, beating, indecent treatment, harassment by her husband Sagar son of Rajesh, his mother Asha Devi and paternal uncle (Tau) Mukesh, resident of village Rathdhana, presently Kailash Colony, Sonipat. Sir, I Surender son of Ram Kishan, am permanent resident of Bhainsru Khurd, that I had married my daughter Himanshi with Sagar son of Rajesh of village Rathdhana, resident of Kailash Colony, Sonipat on 25.03.2022. After about one month of the marriage was harassed for bringing more dowry, beating and indecent behaviour and throwing out from house at night. Despite our trying to make them understand the behaviour of Asha Devi, Sagar and Tau Mukesh remained the same, but they threw her out of the home after beating despite giving birth to a male child. After that for the last five months my daughter was at my house, due to their behaviour she committed suicide by consuming some substance on 04.10,2023. So, it is prayed that strictest action be taken against Sagar husband of Himanshi, mother-in-law Asha Devi and his Tau Mukesh. Sd/- Surender. ”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.10.2023. Learned counsel for the petitioner has further argued that, as per the allegations against the present petitioner, the deceased had died on account of consuming sulphas in her parental home where she was living for the last five months. Learned counsel for the petitioner has further submitted that the deceased was suffering from depression and hence the offence under Section 304-B is not



made out against the petitioner in the factual matrix of the present case.

Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

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

6. The petitioner was arrested on 28.10.2023 whereinafter investigation was carried out & challan was presented on 25.01.2024. Total 14 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the offence under Section 304-B of IPC is made out in the factual matrix of the case as also whether the deceased had committed suicide on account of 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 the custody certificate dated 11.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 06 months and 13 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 present case.

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7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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/Illaqha 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 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

May 13, 2024
poonam

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