

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.21270 of 2023
Date of Decision: 20.03.2024

Deep Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sandeep Kumar Yadav, Advocate,
for the complainant.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
22	Kosli, District Rewari	304-B and 34 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Mahender Singh on 28.01.2022 alleging therein that his daughter Ritu got married with the petitioner Deep Kumar on 11.12.2020. He had given dowry beyond his capacity at the time of marriage. However, the petitioner and his family members were not satisfied with the same and they started taunting his daughter on account of bringing insufficient dowry as well as qua the quality of the dowry articles so brought by her. She was harassed and pressurized to

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bring a motorcycle by the present petitioner and her father-in-law and brother-in-law whereas the other family members demanded cash and gold ornaments. The complainant with the intervention of respectable members of his society tried to prevail good sense upon the petitioner and his family members but instead of understanding, they started misbehaving with them and even threatened to kill the daughter of the complainant, if their demands were not met with. Then on the same day i.e. 28.01.2022, on receiving a call from the brother of the petitioner, he had gone to the matrimonial house of his daughter and found her lying dead due to hanging. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of dead body was conducted. The petitioner was arrested on 13.02.2022. He suffered disclosure statement admitting his involvement in the subject crime. The co-accused Santosh was arrested subsequently. After completion of necessary investigation, challan was presented against the petitioner and co-accused. Presently, they are facing trial for commission of offences punishable under Sections 498-A and 304-B read with Section 34 of IPC by the trial Court.

3. Learned counsel for the petitioner has argued that the petitioner is in custody for a period of over two years. He has been falsely implicated in this case on vague allegations. Investigation has since been completed. The complainant and another material witnesses stand examined. There are no chances of his intimidating the witnesses. The trial is likely to take time. The ingredients for commission of offences punishable under Sections 304-B and 498-A of IPC have not been made out even from the allegations in the FIR. The statements of the complainant who has appeared as PW-1, of PW-2

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Ramesh Kumar cousin brother and PW-3 Mukesh Kumar, who is also brother of the victim do not inspire confidence to prove that the death of the victim had been caused due to any cruelty or harassment by the petitioner in connection with demand of dowry. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State as per which after conducting thorough investigation in the matter, the petitioner and his mother were found to be involved in causing the death of the victim in unnatural circumstances. The trial has commenced and is not likely to take much time. Learned State counsel assisted by learned counsel for the complainant has argued that the victim had died within a period of one year one month after her marriage under unnatural circumstances. The statements of the complainant, of PW-2 and PW-3 as recorded before learned trial Court are sufficient to show that the victim had been subjected to cruelty and was harassed on account of demands made by the petitioner and his family members and specific allegations of raising demand of cash of Rs.1 lac, jewellery and motorcycle had been raised by her in-laws including the petitioner. Hence, it is submitted that the allegations against the petitioner are quite serious in nature and, therefore, it is urged that he does not deserve to be given concession of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The victim had died within a period of one year and one month of her marriage with the petitioner. As per the postmortem report, the cause of her death was asphyxia as a result of constriction force around neck by

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ligature due to hanging. As per Section 304-B of IPC, where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death. In this case, as mentioned above, the victim has died unnatural death by hanging within a period of seven years of her marriage. At the time of lodging of FIR, the complainant had specifically alleged that the petitioner and his family members had been raising demand of motorcycle, cash and gold ornaments from the victim and she was also taunted and harassed on account of bringing insufficient dowry and qua the quality of the dowry so brought. There are also allegations that the harassment by the petitioner of the victim was with a view to coerce her to meet their unlawful demands of dowry. Annexure R-4 is copy of statement of the sworn deposition of the complainant as recorded before the Court and he is shown to have reiterated the allegations in the FIR and has supported the version of the prosecution. Even from a perusal of Annexures R-5 and R-6 which are copies of statements of PW-2 Ramesh Kumar, cousin brother of the victim and PW-3 Mukesh Kumar another brother of the victim reveals that they also supported the version of the prosecution. It has also come on record that a good number of prosecution witnesses already stand examined. Therefore, there is nothing on record to observe that there would be any undue delay in conclusion of the trial. Keeping in view the nature of the allegations which

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have been levelled as against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am not inclined to extend benefit of bail to the petitioner. Hence, the petition is dismissed.

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

20.03.2024
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(MANISHA BATRA)
JUDGE

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