

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

213

CRM-M-27924-2023 (O&M)  
Date of decision: 18.03.2024

Aditya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amit Choudhary, Advocate  
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 2 dated 01.01.2023, registered under Section 304-B of IPC at Police Station Palla, District Faridabad.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 31.12.2022, on receipt of an information regarding dead body of one Shivani lying in the Sarvodaya Hospital as a case of suicidal death, a police party had reached there, wherein father of the victim submitted a written complaint alleging therein that the victim was married with the petitioner on 07.09.2022. It was a love marriage. By alleging that his daughter

Neutral Citation No. 2024:PHHC:038501

was harassed by the petitioner and his mother and was not allowed to meet them and by further alleging that the petitioner and his mother had killed his daughter by strangulating her, he prayed for taking action against the culprits. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body of the victim were conducted and it was opined to be a case of suicidal death by ante-mortem injury. The petitioner was arrested on 02.01.2023. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court and presently, the petitioner is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 19.04.2023.

3. The present petition has been filed by the petitioner on the grounds and his counsel has argued that he has been falsely implicated in this case. The allegations on the face of record do not make out any case for causing dowry death of the victim. In fact, the victim had performed love marriage with the petitioner and as her parents had not been meeting her and had refused to have any talk with her, due to which, she was quite depressed and that was the reason of her committing suicide. General and vague allegations have been levelled against the petitioner. The investigation has since been completed. The trial is likely to take some time. No useful purpose would be served by keeping him in custody anymore. It is, thus, argued that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the petitioner had been harassing the victim, who was a 19 years' old

**Neutral Citation No. 2024:PHHC:038501**

girl and had performed marriage with him. He had suffered a disclosure statement admitting his involvement in the subject crime. There are serious allegations against him. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The victim, who was married with the petitioner, has unfortunately died a suicidal death within a period of three months of her marriage with the petitioner. Though, as per allegations in the FIR, she was harassed by the petitioner and his mother but the mother of the petitioner has been found innocent during investigation and has not been arrested and challaned. The allegations as levelled in the FIR do not make out any case for commission of offence punishable under Section 304-B IPC as there is no mention therein that the victim had been harassed on account of demand of dowry and there was any proximate link between her death and alleged demand. In such circumstances, when the question as to whether the victim had died a dowry death is itself debatable, this Court is persuaded to hold that the petitioner deserves to be given benefit of regular bail as no useful purpose would be served by keeping him in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

18.03.2024  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No