



CRM-M-32711-2024 [1]

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

[226]

**CRM-M-32711-2024
Date of decision: 21.08.2024**

Dalwinder Singh @ DavinderPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen S. Attri, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.230 dated 22.09.2020 for offences punishable under Sections 304-B and 34 of Indian Penal Code, 1860, registered at Police Station Saha, District Ambala.

2. It has been submitted by the learned counsel for the petitioner that even though the petitioner was arrested way back on 22.09.2020, however, even after a lapse of 04 years, the trial had not concluded, as prosecution evidence was still underway. It has been thus submitted by the learned counsel that further incarceration of the petitioner, more so when all the material witnesses including the complainant have been examined, would serve no useful purpose as the trial would still take considerable time to conclude.



3. It has been further argued that totally false and exaggerated allegations have been levelled against the petitioner qua the suicide of his wife (hereinafter after referred to as '*the deceased*') on account of passions running high due to the unfortunate demise of complainant's daughter. Learned counsel has also submitted that since the material witness i.e. the complainant stands examined, there can be no apprehension of the petitioner intimidating the witness in any manner whatsoever.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has drawn the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P/1 and stands reproduced hereunder:-

“Respected Sir, brief of the complaint is that statement of Raj kumar son of Bishna Ram, Caste Harijan, resident of village Dhukeri, PS Padao. District Ambala, aged 59 years, Mob. 9068354470, Stated that I am resident of above mentioned address and educated till 5th standard. That I have four children in which three girl and a boy, which all three girls are married which my son Sandeep Kumar is bachelor. Which my daughter Minakshi is about 25 years old. I had solemnized marriage of Minakshi with Dalwinder Singh son of Pala Ram resident of village Kesari as per Hindu rites and rituals 5/6 years earlier, I had given a dowry beyond my capacity in the marriage. But Dalwinder Singh husband of my daughter Minakshi and Brother-in-law Kulwinder Singh, Sister- in-law Sunita wife of Kulwinder Singh were not happy with the dowry given by me in the marriage. Husband of my daughter used to



beat and taunted her that her father did not give anything in the marriage. Which we had given a complaint against him in Choki Mohra and panchayat was also convened. which in the panchayat, Dalwinder Singh and Kulwinder had apologise for their mistake, for this reason, we had sent back our girl with my Son-in-law Dalwinder Singh and his brother Kulwinder Singh. My daughter have three children i.e two daughter and a boy. When my daughter Minakshi gave birth to the second girl, that time on instigation of his brother Kulwinder Singh, my Son-in-law beat my daughter and threw out from the house by saying that her parents did not give anything on the birth of second daughter. On the birth of second girl her Sister-in-law taunted her. Then panchayat of village Diberi and Kesari was convened and on the asking of sarpanch of village Kesari, I sent my daughter back for saving her house with my Son-in-law try saying that new they will not repeat the mistake as sarpanch and panch of the Kesari took the responsibility. My Son-in-law Dalwinder Singh was a mason but Dalwinder Singh told to my daughter to bring money from her father for purchasing motorcycle rehri for doing work of selling of vegetable on motorcycle rehri. My daughter Minakshi told me that Dalwinder Singh is demanding for purchasing motorcycle rehri for doing work of selling of vegetable on motorcycle rehri. Which I was working as vegetable seller so I gave my rehri to my Son-in-law a year ago for doing work of selling of vegetable on motorcycle rehri, for saving the house of my daughter. But even after giving rehri, they were not happy. Kulwinder Singh Brother-in-law of my daughter and Sunita her Sister-in-law taunted her that let your father give anything, but we will break her house. After giving rehri, my Son-in-law again started demanding motorcycle rehri. My Son- in-law's brother Kulwinder Singh and his wife Sunita used to instigate him to demand motorcycle rehri from me and to beat my daughter. My



daughter narrated the same to my wife. On dated 21.9.2020 in a day, my daughter made a phone call to my wife that Son-in-law is demanding motorcycle rehri for staying in the house. But my wife told to my daughter that we are not in the position to fulfil his demand. Yesterday on dated 21.9.2020 at about 8 p.m., my Son-in-law informed telephonically that Minakshi hanged herself in the house and she has expired, you please come. On information I, my wife Urmila and my son Sandeep, my nephew Malkit Singh son of Ramsroop resident of Dukher reached at the house of Miskas and Out dead body of my daughter was lying in the bed in the house. There was sign on the neck of Minakshi and a piece of green colour cloth (dupata) was lying by her side. On looking inside the house, a piece of cloth was seen tighten with the rafter installed between kitchen and bathroom and a knife by whom a cloth (dupata) was cut also laying there. My daughter. Minakshi has committed suicide by hanging herself with cloth (dupata) on the rafter installed between the kitchen and bathroom due to harassmt caused by my Son-in-law Dalwidner, her Brother-in-law Kulwinder Singh and Sister-in-law Sunita Action be taken against them. I have got recorded my statement with my son Sandeep Singh which is correct.

Sd/- Raj Kumar”

5. Learned State counsel submits that a perusal of the allegations levelled in the FIR makes it abundantly clear that the deceased was being subjected to continuous mental and physical torture by the petitioner, as he was dissatisfied with the dowry which had been given at the time of their marriage; on a number of occasions, the complainant, who is father of the deceased, had tried to assuage the feelings of the petitioner and had also tried to fulfill the illegal demands



of the petitioner but in vain. Resultantly, the deceased fed up with the ill-treatment, hanged herself to death.

6. Learned State counsel has however, on further instructions, not disputed that the sole material witness i.e. the complainant has been examined, however, he submits that while stepping into the witness box, the complainant had supported the case of the prosecution in its entirety. Furthermore, neither the stage of the trial has been disputed nor the custody period of the petitioner.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. The petitioner has been in custody for almost 04 years having been arrested on 22.09.2020; the trial is unlikely to conclude in the near future, as 07 prosecution witnesses still remain to be examined. Moreover, the sole material witness i.e. the complainant, as not disputed, already stands examined. Hence, there can be no apprehension of the witnesses being influenced by the petitioner.

9. In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed



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to be an expression of opinion on the merits of the case.

11. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

AUGUST 21, 2024
*Anjal**

(MANJARI NEHRU KAUL)
JUDGE

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