

CRM-M-33448 of 2024

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

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CRM-M-33448 of 2024

DATE OF DECISION :- 19.07.2024

Narottam @ Neeraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Aditya Jain, Advocate
with Mr. Rahul Vohra and Mr. Rajat Singla, Advocates
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

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.169 dated 01.05.2023, registered for the offences punishable under Sections 304-B,34,498-A of IPC at Police Station Chand Hut, District Palwal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“12.FIR information contents: To the Incharge, Police Post, Baghpur District Palwal (HR). It is requested that the applicant Yogesh son of Sheoraj Singh is resident of Ronija police station Rabupura, District Gautam Budh Nagar U.P. The marriage of the sister of the applicant's was solemnized on 11.05.2018 with Neeraj, son of Bhagat Singh, resident of Solda Baghpur district Palwal. The applicant's family had spent more than their capacity, including a car, Brezza, similar valuables and Rs 5 lakh in cash was given. The applicant had spent Rs. 30 lakhs on his sister's wedding, but the in-laws of the sister of the



applicant, Husband-Neeraj son of Bhagat Singh, father-in-law Bhagat Singh son of Atar Singh, mother-in-law Rambati alias Ramo, wife of Bhagat Singh were not happy with the dowry items and they used to harass the sister of the applicant for bringing less dowry and demanded a plot in dowry. Due to demand of dowry, the above people killed the applicant's sister by hanging her on 01.05.2023 at about 11:20 AM. When the applicant reached the in-laws house of his sister in village Solda after receiving information about the incident, then the applicant saw that my sister was lying on the floor in a dead condition. There was injury mark on her neck neck which could had been arisen due to the rope. Sir, it is requested that legal action should be taken against the in-laws of the sister of the applicant. Sd/- YOGESH KUMAR Applicant Yogesh son of Sheoraj Singh Mohd. 9759185482 Police Proceedings. Today I/SI was present at the police post that that information was received through mobile phone regarding the death of Savita, daughter-in-law of Bhagat Singh and wife of Neeraj at village Solda and that I.O. be sent for proceedings. On this information, I/SI, alongwith HC Amit No. 776 SPO, Pravesh 497 and driver of govt. vehicle, SPO Deviram 253 reached at the spot at village Solda at the house of Bhagat Singh. There Yogesh, son of Sheoraj, brother of the deceased Savita, resident of Ronija aforesaid and other persons met and they presented the aforesaid written complaint. From the contents of the written complaint, the offence under Section 498 A, 304-B, 34 IPC is found to have been made out. The ruka is sent through SPO Pravesh 497 to the police station for registration of the case. The case number be informed after its registration. xxxx

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. (Action taken since the above information shows that the manner of committing the crime is as mentioned in item no. 2).



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.05.2023. Learned counsel for the petitioner has further argued that the marriage between the petitioner and the deceased took place on 11.05.2018 and she died on 01.05.2023 but no complaint whatsoever was ever made by the deceased or her family members on account of any dowry harassment having been meted out to her. Learned counsel for the petitioner has further argued that the deceased had, in fact, committed suicide on account of her being unable to bear a child which had caused mental depression to her. Learned counsel for the petitioner has further argued that the prosecution witnesses (PW-Sheoraj and PW-Yogesh-complainant of FIR) are not appearing despite service having been effected on them. Learned counsel for the petitioner has thus argued that the entire endeavour by the complainant side is to procrastinate the culmination of trial so as to keep the petitioner into custody. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. 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 17.07.2024 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 11.05.2023 whereinafter an investigation was carried out and challan stands presented on 07.07.2023.

Total 18 prosecution witnesses have been cited and the culmination of the

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trial will take its own time. The rival contentions of learned counsel for the parties; regarding weightage required to the factum of no complaint earlier having been made by the deceased or her family members (even if it is found to be so) and as to whether the deceased had committed suicide on account of being under mental depression due to her being unable to bear a child; 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 17.07.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year and 02 months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertial 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/Illaq 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

19.07.2024
P.Singh

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