

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

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CRM-M-36509-2023 (O&M)
Date of decision: 19.03.2024

Paramjeet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kushager Goel, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for the complainant.

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. 21 dated 22.01.2023, registered under Section 304-B and 34 of IPC (Section 34 IPC deleted later on) at Police Station Sirsa, District Sirsa.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 16.01.2023, on receipt of an information at the concerned police station regarding admission of the victim Sunita in Shivam Hospital, Sirsa, a police party had reached there and obtained opinion of the doctor

regarding condition of the victim, which was stated to be critical. She was not found fit to record any statement till 21.01.2023 and had died on 22.01.2023 during the course of her treatment. Thereafter, this FIR was lodged by her brother by alleging that the victim was married with the present petitioner on 27.11.2022. They had given dowry as per their status. However, soon after the marriage, the petitioner and his family members had started taunting the victim on account of bringing insufficient dowry. He alleged that on 14.01.2023, he had visited the matrimonial house of his sister and at that time also, she had told him that she was continuously being harassed by her husband and mother-in-law on account of demand of one i-20 car and air conditioner. The complainant pleaded with the petitioner and his mother to not to harass his sister and had gone back to his house on 15.01.2023 and then he had received intimation to the effect that his sister has tried to commit suicide. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim were conducted, as per which, the cause of death of the victim was asphyxia due to constriction on her neck, as a result of hanging. The family of the petitioner was found to be innocent during the course of investigation. The petitioner was arrested on 06.02.2023. After completion of 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 offence punishable under Section 304-B of IPC with alternative charge under Section 302 of IPC. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 07.06.2023.

3. It is submitted in the petition and it has been argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. No demand of a car or any other article had ever been raised by him from the victim or her family members. Rather, on noticing that the victim had hanged herself, he had tried his level best to save her life by immediately taking her to the hospital for treatment. No suicide note has been left by the victim. No external injury mark was seen over her body. It is a case of suicidal death only. The trial is likely to take time. The material witnesses are not coming forward for their examination. The further detention of the petitioner is not going to serve any useful purpose. Therefore, he has argued that the present 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 allegations as levelled against the petitioner were found to be correct. There are serious allegations against him and, therefore, he does not deserve to be given concession of bail.

5. Learned State counsel, assisted by learned counsel for the complainant, has argued that alternative charge under Section 302 of IPC has also been framed as against the petitioner by the trial Court and it is yet to come on record as to whether it was a case of homicidal death by strangulating the victim or a suicidal death by hanging. There is no delay on the part of the complainant and other material witnesses to record the statement and they have been regularly appearing before the trial Court. Learned counsel for the complainant has placed on record copies of order

dated 21.12.2023 and 17.02.2024, as passed by the trial Court, showing the presence of the complainant and some other material witnesses on both the dates of hearing but the adjournment is shown to be given on the request of proxy counsel for the parties. It is further argued that there are chances of the petitioner's intimidating the witnesses or tampering with the prosecution evidence, if extended benefit of bail. Hence, it is urged that the petition deserves to be dismissed.

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

6. The petitioner is alleged to have caused death of the victim within two months of her marriage with the petitioner. There are specific allegations against the petitioner that he along with his family members had been raising demand of one i-20 car and air conditioner from the victim. Expert medical opinion as to cause of death of the victim is yet to come on record before the trial Court. 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. The allegations against him are quite serious in nature. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and

circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

19.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>