

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-37005-2023

Date of decision: 12.01.2024

Lalit

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sunil Kumar Goswami, Advocate for
Mr. Nikhil Mittal, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J.

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.11 dated 11.01.2023, registered for the offences punishable under Sections 306, 498-A & 34 IPC at Police Station Urban Estate, Rohtak, District Rohtak.

2. The case set up in the FIR in question is as follows:-

“To Mr. SHO, Police Station, Urban State, Rohtak, Sir, I request that I am Vijay Kumar S/O Mangeram Caste Ahir, a permanent resident of Village Vishanpura, District Jind, that my sister Rekha D/O Mangeram Caste Ahir, Village Vishanpura, District Jind was married on 9/10 February 2012 according to Hindu customs, with Lalit S/O Shamsher Caste Ahir, Village Jamalpur Tehsil Hasi, District Hisar. From the very beginning, in-laws used to keep my sister trouble by dowry and beatings, several panchayats were held regarding this and several proceedings were held in police station and women's cell, then a settlement was reached. Now my sister was living with her husband and mother-in-law in a rented house at H. NO. 790 SEC - 2, Rohtak. At around 9.30, my sister spoke to me on the phone, she was absolutely fine, but today I received information on the phone that your sister's health has deteriorated, on which information me and my family came to the spot, so my sister was found dead. There is a

mark of hanging on my sister's neck, we inquired about the whole incident and came to know that my sister has hanged herself. I believe that my sister was harassed for dowry by her husband Lalit, Mother-in-Law Nirmala, Sister-in-Law Minu, Sanju, Manju, who has ended her life after being fed up with her in-laws or has been forced to die by her in-laws, so you are requested to register a case against these five and take appropriate legal action. With thanks Vijay Kumar S/O Mangaram VPO Vishanpura District Jind M.NO 9466554426”

3. Learned counsel for the petitioner has argued that the marriage in question took place on 09.02.2012 and the couple were blessed with two children i.e. one male child (who is presently aged about 18 years) and a female child (who is aged about 06 years); no substantive complaint was made on account of any harassment to the deceased from the year 2012 till 2021 and the ingredients of offences under Sections 306, 498-A IPC are not made out against the petitioner from the evidence collected by prosecution. In these circumstances, it is submitted that no useful purpose would be met by further incarceration of the petitioner.

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.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 02.03.2023; challan has been presented on 28.04.2023 wherein total of 22 prosecution witnesses have been cited & the argument of learned counsel for the petitioner that there was no allegation of harassment earlier made to the deceased will be seen during the course of trial. The petitioner has already suffered incarceration for more than 10 months; the custody certificate filed by the State of Punjab

does not reflect involvement of the petitioner in any other case & no tangible material has been brought forward to show any reasonable apprehension of the petitioner fleeing from the process of law or tampering with the prosecution evidence. Keeping in view entirety of the facts and circumstances of the case, this Court does not deem it appropriate to keep the petitioner in further detention.

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 cellphone 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

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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

January 12, 2024
Ajay

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