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

CRM-M-35871-2024

Date of decision: 02.08.2024

Dinesh Verma

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Maninder Singh Saini, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.39 dated 05.05.2023 under Sections 304-B/120-B of IPC registered at Police Station Division No.4, District Jalandhar, Punjab (Annexure P-1).

The FIR (*supra*) was lodged on the statement of the complainant by alleging that his younger sister/victim, namely, Ritu Yadav was married to Dinesh Verma on 09.11.2020. It was their love marriage but subsequently, the complainant's family accepted the said marriage. It is further alleged that the victim was being harassed by the accused/petitioner soon after the marriage and the accused/petitioner was resorted to physical violence on demand of dowry. The victim also came to Delhi on many occasions after being harassed by the accused/petitioner but every time after persuasion, she returned to matrimonial home. The complainant's family used to send money to the victim in routine and despite that, the accused and his mother were harassing her and were compelling her to bring more money from her parents. It is further alleged that

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the victim used to send messages from her mobile phone that she is feeling suffocated and cannot bear discord in family and she wanted peace. She also started working in Yes Bank at Model Town, Jalandhar. On 01.05.2023, the accused/petitioner not only abused her but also raised doubt over her character. Complainant advised the victim to come to Delhi due to which she got booked ticket on 02.05.2023 but the accused pressurized her to first sign affidavit that she is going as per her own will. On 04.05.2023 at about 09:30 P.M., the complainant received a video call from mobile phone of victim and the said call was received from hospital and her phone was held by the cousin of the accused who told the complainant that the victim had eaten 'bhatoora' due to which she was vomiting and later on she was on ventilator. He further told that the victim had consumed rat killer medicine and died and thus, the instant FIR was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. In fact, the marriage between the petitioner and the sister of the complainant was a love marriage. He relies upon the air ticket (Annexure P-2) to submit that after the petitioner sent a ticket to the deceased for her travel to Jalandhar from Delhi where she appeared before the Commissioner of Police and stated that she has threat from her family and she submitted a written representation (Annexure P-3) before the Commissioner of Police, which clearly indicates that the petitioner and the deceased were known to each other for the last many years and her parents are interfering in their lives and both were residing together against the wishes of her parents. He further relies upon the medical record (Annexure P-4) and submits that when it was discovered during the treatment that she cannot give



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birth to a child in spite of five years of marriage, she went into depression and she has consumed poison at her workplace and while undergoing treatment at Tagore Hospital, she unfortunately passed away. Thereafter, the brother of his wife who was opposed to their relationship has lodged the FIR (*supra*). The petitioner is behind the bars since May, 2023.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there are specific and serious allegations against the petitioner and he is the husband of the deceased, as such, he is not entitled to the concession of regular bail.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to



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each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 08.05.2023 as per custody certificate. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 14 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Dinesh Verma is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

02.08.2024*Neha*

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