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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36935-2024 (O&amp;M)

Date of Decision: 20.08.2024

SACHIN ALIAS BANTI

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.772 dated 04.08.2023, registered for the offences punishable under Section 304-B read with Section 34 IPC, 1860 at Police Station Sadar Karnal, District Karnal.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*"To S.H.O Sir, Police Station Sadar Karnal, Karnal  
Subject- The girl has been beaten and strangled to death by her in-laws. Sir, I want to tell you that I, Pardeep Rana, is resident of village Rampur Beta, District Ambala, Police Station Saha. I had solemnized marriage of my daughter aged 23 years about 4 months ago on 10.03.2023 with Sachin s/o Jasvir Singh r/o Village Staundi District Karnal. Ever since her marriage, she had been tortured for dowry and yesterday on 03.08.2023 for some money, 4 lakh rupees were demanded telephonically and upon their refusal to give money, she was given beatings and strangled to death. The girl was preparing to go abroad. She had cleared ILETS by obtaining 7 Bands and had got her passport and after that the girl has been killed. I just want that the case be investigated honestly and the accused be given appropriate punishment. Accused persons 1. Sachin (Bunty) (Jyoti's husband) 2. Rocky (Rocky brother-in-*

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*law) 3. Boy's mother (Jyoti's mother-in-law) Sd/ Pradeep Kumar."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.08.2023. Learned counsel for the petitioner has submitted that the marriage between the petitioner and the deceased was a love-marriage & hence there was no occasion to demand any dowry from the family of the victim/deceased. Learned counsel for the petitioner has referred, *in extenso*, to the testimony of the father of the victim (examined as PW-1) to argue that it has been admitted by the father of the victim that all the expenses for the examination for going abroad as also for stay of the victim/deceased at Karnal in paying guests etc. were borne by her in-laws. Learned counsel has further argued that the offence of Section 304-B IPC is not made out against the petitioner from the factual matrix of the case. Thus, regular bail is prayed for.

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 was arrested on 26.08.2023 whereinafter investigation was carried out & challan was presented on 08.11.2023. Total 14 prosecution witnesses have been cited out of which all the private prosecution witnesses have been examined. The rival contention of the learned counsel for the parties; regarding the weightage required to be attached to the factum of the marriage between the petitioner and the victim/deceased being a love-marriage, no dowry having been sought for by

the petitioner or his family on account of the marriage in question being a



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love-marriage as also the assessment of the testimony of the father of the deceased/victim; 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 remaining prosecution evidence. As per the custody certificate dated 18.08.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 11 months and 23 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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.



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(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 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.

20.08.2024  
Jasmine Kaur

(SUMEET GOEL)  
JUDGE

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|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |