

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-41572-2023(O&M)
Date of Decision:- 08.04.2024

Deepak @ Deepak Kashyap

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rohit, Advocate for
Mr. Gurpreet Singh, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Vineet Sehgal, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Deepak @ Deepak Kashyap has filed the instant second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.636 dated 21.10.2021, under Sections 306, 498-A and 34 of IPC registered at Police Station City Palwal, District Palwal.

2. The facts of the case are that the complainant – Ravi filed written complaint to the police that his younger sister Nisha @ Neetu was married to Deepak @ Deepak Kashyap on 07.12.2009 according to Hindu Rites. They were blessed with two children, daughter aged about 8/9 years and son aged about 5/6 years. His sister was being harassed by her in-laws on account of insufficient dowry. Panchayats were convened several times and the matter was resolved. However, on 20.10.2021, at about 5'O clock a phone call was received from the in-laws' house of his sister that the health condition of his sister was bad and she was admitted in Manavta Hospital, Ballabgarh. He along with the family members reached the

hospital and came to know that it was a case of poisoning. They were told that the victim had consumed Celphos tablet. They came to know that his sister was beaten up and she was given poison by her mother-in-law- Bimla, husband- Deepak @ Deepak Kashyap, father-in-law- Mahender, brother-in-law- Vishal and Pinky. With these allegations, the present FIR was registered.

3. Learned counsel for the petitioner argued that the allegations levelled against the petitioner are false. Earlier, the regular bail application of Deepak @ Deepak Kashyap was declined by the learned trial Court. The copy of order dated 17.05.2022 on second bail application is Annexure P-4. The regular bail application bearing CRM-M-26183-2022 filed before this Court was dismissed as withdrawn vide order dated 01.06.2023 which is Annexure P-3. Co-accused – Bimla was granted regular bail in CRM-M-6629-2022 vide order dated 22.02.2022 by coordinate bench which is Annexure P-5. It is pointed out that the material witnesses have been examined. The petitioner is behind the bars since long. He will abide by the terms of bail order, therefore, his regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State assisted by counsel for the complainant. It is pointed out that the allegations are specific and serious in nature. Even earlier the proceedings were initiated under Section 107, 151 Cr.P.C. but the matter was compromised. The occurrence took place after about four months. There are specific allegations of maltreatment on account of demand of dowry. The postmortem report is Annexure R-1. Considering the gravity of offence, the present petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the

status report. In this case, the petitioner was arrested on 23.10.2021 and till date he is behind the bars. After the presentation of challan, prosecution has examined material witnesses including Ravi-complainant, Jintender and Sunder. There is list of 15 prosecution witnesses. Trial of this case may take some time. Now the petitioner cannot influence the witnesses. Therefore, without expressing my mind on the merits of the case, the second regular bail application filed by the petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

- 6. The petition is, accordingly, accepted.
- 7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

08.04.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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