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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41620-2023 (O&M)

Date of Decision: 30.05.2024

AMIT KUMAR

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A.P.S. Sandhu, Advocate and
Mr. Ashish Kaushik, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

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.298 dated 18.08.2022, registered for the offences punishable under Sections 304-B and 34 of IPC at Police Station Safidon, District Jind.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Karmabir S/o Balbir Caste Prajapat Resident of Kohad Distt Karnal Age 40 Years Mo.N. 96714-49974 Stated that I am a resident of the above address, I work as a mason, I have 2 boys and 2 girls who are my daughter Neha, age 22. who was married at village Didwada, to Amit S/o Sundar r/o Didwada. It had been about 16 months of marriage that whenever my girl used to come to us after marriage, she often used to tell that my husband, mother-in-law and father-in-law used to taunt me saying that you belong to a poor family and they used torture for dowry. My daughter came to us on the festival of Raksha Bandhan on 03.08.2022, who went back to her in-laws house on 12.08.2022 with her husband. Even while leaving, my daughter Neha, was saying that her in-laws harass and beat her for dowry, which I am not happy in my in-laws house. My daughter was also pregnant for about 6 months. Today on 18.08.2022, I got a call from father



of my son-in-law, Sundar, that Neha had hanged herself. I and my family members reached the village Didwada on the information that she had ended her life, then my girl's body was lying on the floor, which shows that my girl Neha has ended her life by hanging herself. My daughter Neha has ended her life after being fed up with dowry and beatings from her mother-in-law Bimla wife of Sundar, father-in-law Sundar son of Dharma and her husband Amit son of Sundar residents of Didwada. Legal action should be taken against them, I have written my statement to you, heard it, read it, understood its correct. SD / Karmbir Attested Roshan Lal ESI Police Station Sadar Safidon Dt. 18.08.2022 Action Police:

3. Learned counsel for the petitioner, *inter alia* contends that the petitioner is in custody since 26.08.2022. Learned counsel for the petitioner has argued that the challan was earlier presented against the petitioner on 13.10.2022 whereinafter 27 prosecution witnesses were cited but now challan has also been put up against the mother of the present petitioner on 09.05.2024 and hence the trial will have to begin again. Learned counsel for the petitioner has further argued that the marriage was solemnized between the petitioner and deceased on 04.04.2021 and she passed away on 18.08.2022 but no complaint has been made by the family of the deceased on account of any harassment being meted out to the deceased on account of dowry. 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 26.08.2022 whereinafter investigation was carried out & challan was presented against the petitioner on 13.10.2022. It is indubitable that now challan also stands filed against

the mother of the present petitioner on 09.05.2024. Total 27 prosecution



witnesses have been cited & out of which only 3 prosecution witnesses have been examined and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether there were cordial relations or not between the petitioner and the deceased & as to whether any complaint was made by the family of the deceased on account of any dowry harassment as also relevance of this aspect; 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 prosecution evidence. As per the custody certificate dated 29.05.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 01 year and 09 months & 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 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.



- (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/Illaqa 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.

30.05.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No