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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39739 of 2024
Date of decision : 23.8.2024

Raghvender Singh @ Ravi
State of Haryana

Versus

.....Petitioner
.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bikram Chaudhary, Advocate, for the petitioner
Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case FIR No.127 dated 28.4.2023, registered for the offences punishable under Sections 304-B and 323 of the IPC (Section 498-A of the IPC added later on) at Police Station Dhauj, District Faridabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

‘To SHO Police Station Dhoj Faridabad Sir, It is requested that I. am Guddi W/ 0 Sharad Kumar resident of M.NO-1540 GALI NO.-21, IST PUSTA SONIA VTHAR DELHI. I have four daughters, I do not have a son, I married my daughter Karishma at the age of 21, on 21.07.2018 to on 21.07.2018 to Ra Ragvendra, son of Munnu Singh, village Bharauli, police station Chhivaramau, district Kannauj U.P. According to the Hindu customs, I and my relatives had given jewellery, clothes, money and many



gifts to my daughter and son-in-law as per our capacity. Not even 2 months had passed since Karishma's marriage when Karishma's husband Ragvendra started taunting my daughter for bringing less dowry. My daughter told him that I am poor and could not pay the money. At the same time, he kept beating Karishma. In 2020, when Karishma gave birth to a daughter Kyra, my son-in-law started beating my daughter more. And he used to say that your mother has also given birth to four daughters, you will also give birth to a daughter. When I called my daughter to me, my daughter said, Mother, I will not go anywhere. But I am sure that Ragavendra will kill me. How will I be able to stay with you? Since you have three more daughters. About 4/5 days ago, Ragavendra tried to kill my daughter Karishma by burning her and set her clothes on fire, so the neighbourhood saved my daughter. MY daughter said, I have a four month old fetus in my womb, don't kill me. After giving birth to the child, if it is a girl, then kill me. If it is a boy, then keep him alive, then my son-in-law said that you should bring your food expenses from your parents. Meanwhile, on 27/4/2023, I got information from my daughter's neighbourhood that today your daughter's life ended. My son-in-law Ragvendra has murdered my daughter Karishma by placing a noose around her neck. My daughter's body was also taken down from the noose, after her death. After getting the information, I reached the hospital. I have seen that there are injury marks on my daughter's forehead too. Ragavendra harassed my daughter for about four years and thereafter murdered her, strict action should be taken against Ragvendra and he should be punished.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.4.2023. Learned counsel has further submitted that the marriage between the petitioner and the deceased took place on 21.7.2018 and she died on 27.4.2023, but there is no complaint ever made by the deceased or her family regarding any dowry or harassment being meted out to the deceased. Learned counsel has further argued that the first bail petition (CRM-M No.12638 of 2024) filed by the petitioner was withdrawn on 15.3.2024 and the order passed therein read as under:



'Faced with the situation that the father of the deceased is yet to be examined as a prosecution witness, learned counsel for the petitioner seeks to withdraw the present petition at this stage.

Dismissed as withdrawn at this stage.'

4. Learned counsel for the petitioner has submitted that, as on today, the complainant-mother of the deceased, as also father of the deceased stand examined. Learned counsel has further argued that there is a two and a half years old child born out of the wedlock of the petitioner and the deceased, who is also required to be taken care of. Thus, regular bail has been prayed for.

5. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 21.8.2024 in Court, which is taken on record.

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

7. The petitioner was arrested on 28.4.2023 whereinafter investigation was carried out and challan stands presented on 26.6.2023. Total 15 prosecution witnesses have been cited in the trial out of which 4 have been examined till date and culmination of the trial will, of course, take its own time.

8. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another,*** decided on 03.07.2024; relevant whereof reads as under:-



“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

9. The rival contention of learned counsel for the parties; as to whether there was any complaint made by the deceased or her family regarding any dowry or harassment being meted out to her from 21.7.2018 to 27.4.2023; 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. The first bail petition filed by the petitioner vide CRM-M No.12638 of 2024, was dismissed as withdrawn on 15.3.2024 as at that time the father of the deceased was not examined as prosecution witness. It is not in dispute that both the mother (complainant of the FIR) and father of the deceased stand examined as prosecution witnesses since then. Therefore, in the considered opinion of this Court, the instant (second bail petition) filed by the petitioner ought to be considered. As



per custody certificate dated 21.8.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year, 3 months and 24 days & is not shown to be involved in any other IPC case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

10. 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 cell-phone 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.

11. 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.

12. Ordered accordingly.
13. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

23.8.2024
Ashwani

(SUMEET GOEL)
JUDGE

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