

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.46413 of 2023
Date of decision: 25.01.2024

Takdir Singh ... Petitioner

Vs.

The State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parshant Sethi, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
266	29.09.2022	Bass, District Hansi,	304-B, 323, 498-A and 34 of IPC

2. Adumbrated facts of the case are that on 26.09.2022, on receipt of an information at the concerned Police Station regarding one Anjit wife of Ajay being admitted in Oscar Hospital, Jind in an injured condition, a police party reached there wherein the opinion of the doctor was obtained as per which the victim was unfit for recording her statement. As such, her statement could not be recorded on that date and till 28.09.2022. She died on 29.09.2022 and thereafter the FIR was registered on the basis of statement recorded by her sister Anju to the

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effect that the victim Anjit was married with the accused Ajay and she herself was married with the petitioner-accused Takdir Singh, who is cousin brother of accused Ajay on 27.11.2020. She alleged that on 26.09.2022, at about 9 AM, she heard some noises coming from the house of her sister Anjit who was residing in the neighbourhood and she overheard her sister Anjit while telling her mother-in-law and sister-in-law that the accused Ajay used to extend beatings to her under the influence of liquor, and that she would leave her matrimonial house. Five-seven minutes thereafter, on hearing alarm raised by Anjit, she rushed towards her house and found that the accused Ajay, mother-in-law and sister-in-law of the victim Anjit had caught hold of her and that all of them were assaulting her by extending beatings to her. She rescued her sister but her own parents-in-law and sister-in-law of Anjit started assaulting her too. She was forced to go back to her matrimonial house and was advised by the petitioner to not to go to the house of Anjit. Then she noticed her father-in-law Rammehar, Monika who is sister-in-law and mother-in-law of Anjit while entering into the room of Anjit and shortly after sometime, her father-in-law came home and told her mother-in-law that Anjit had been done with. Then after locking her inside her house, they did not let the complainant go to the house of her sister, and subsequently, she was informed by her mother-in-law that Anjit had hanged hhrself. She rushed towards the room of her sister only to find her lying on the bed in an unconscious condition. The victim had been taken to hospital. She alleged that her sister and herself were pressurized by

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their in-laws to bring something or the other from her parents house and on this account, they were being assaulted and the in-laws of her sister had killed her by hanging her. She also alleged that the petitioner Takdir Singh i.e. her husband, accused Ajay and her mother-in-law also used to beat her. After registration of FIR, investigation proceedings were initiated. The inquest proceedings and the postmortem examination of dead body of the victim was conducted. The accused Ajay and the petitioner were arrested. After completion of investigation, challan report under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner along with accused Ajay are facing trial for commission of offences punishable under Sections 304-B, 323 and 498-A read with Section 34 of IPC.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody since 21.10.2022. He has been falsely implicated in this case. There was no allegation in the FIR about his having any hand in causing the alleged dowry death of the victim who had died a suicidal death. Infact, he was not present at the spot when she had hanged herself. He was living in a separate house. The trial was likely to take time. There were no specific allegations of demand of any dowry against him and general allegations that he used to extend beatings to his wife had been levelled against him. Therefore, it is argued that his further detention would not serve any useful purpose and it is urged that he deserves to be released on bail.

4. The respondent-State has filed status report. Learned State

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counsel has vehemently argued that the victim had died a suicidal death within seven years of her marriage with the co-accused Ajay. The petitioner is cousin brother of accused Ajay and husband of sister of the victim and he jointly with the co-accused used to harass both the sisters on account of demand of bringing money from their parents and, therefore, he too was responsible for causing the suicidal death of the victim. With these broad submissions, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel and have gone through the material placed on record.

6. As per the allegations, the victim who is sister of the complainant Anju and who was married to the co-accused Ajay who is cousin brother of husband of the complainant, used to harass the victim on account of demand of money etc. and she was also physically assaulted by other members of her in-laws family. During the course of investigation, other members of the family of the co-accused and the present petitioner were found to be innocent and had not been arrested and challaned. On going through the contents of the challan report as well as FIR, it is revealed that the main allegation as against the present petitioner are that he too used to extend beatings to his own wife i.e. the complainant and also used to demand money sometime. However, no specific allegations as to what was demanded by him from the victim has been made nor it is stated to be a case of the prosecution that at the time when the victim had committed suicide or was assaulted before that, the

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present petitioner had also participated. As such, it is highly debatable as to whether the petitioner had caused dowry death of the victim. The petitioner is in custody since 21.10.2022. Trial is likely to take time. Keeping in view the overall circumstances as discussed above as well as the period of incarceration of the petitioner, the role as attributed to him and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court and subject to the condition that during the course of trial, he will not make any inducement or extend any threat to either of the prosecution witnesses.

7. In case of violation of any of above condition, the jurisdictional Court concerned will be empowered to consider the application for cancellation of bail of the petitioner, if required and pass appropriate orders in accordance with law.

25.01.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No