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2024 : PHHC : 038080

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48850-2023

DATE OF DECISION : 15.03.2024

SUMIT

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. R.N.Lohan, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.

* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 591 dated 09.08.2021 under Sections 304-B, 498-A, 34 IPC registered at Police Station Barwala, District Hisar.

2. The FIR was registered at the instance of the father of the deceased with the cotentions that his daughter got married with the petitioner on 07.06.2020 and out of the wedlock a son was also born. The petitioner is habitual of drinking and used to beat his daughter. About 1-1/2 months ago, there was dispute and the daugther of the complainant remained with her parents for about 10 days and thereafter, again with the intervention, she was sent back to her matrimonial home. On 08.08.2021 at 8.30 P.M. the daughter of the complainant made a phone call from Municipal Councilor of the Ward that her husband and others are beaing her. On 09.08.2021, he again received a phone call that his daughter has died. Upon reaching the matrimonial home of his daughter, the complainant found that the dead body of his daughter was lying on the bed covered with the sheet of cloth and handle of *kassi* was lying inside the room. There were signs of injury on the back, chin and foot of the deceased and there was no rope lying either on the

roof or on the fan.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 17.08.2021. The material witnesses have already been examined. Petitioner has been falsely implicated. He is ready to face trial.

4. Learned State counsel has informed that out of 20, 13 witnesses have already been examined. He has confirmed that the petitioner is in custody since 17.08.2021. However, he has opposed the bail application on the ground of gravity of allegations.

5. I have considered the aforesaid contentions.

6. The marriage of the petitioner was solemnized with the victim on 07.06.2020. After one year and 2 months, the victim died unnatural death in her matrimonial home. Petitioner is the husband of the deceased. The victim even left a minor son behind. There are allegations of cruelty and harassment against the petitioner. No doubt the petitioner is in custody since long and investigation is complete but the allegations are serious. As per the copy of post-mortem report, though there is a ligature mark but there are 3 external injuries which were found on the person of the deceased. Injury No.1 is abrasion mark on right side of mandible whereas injury no. 2 is on right ear pinna and injury No.3 is the ligature mark. On the basis of said injuries, *prima facie* there is an indication that some struggle has been made by the deceased resulting to abrasions on her mandible and on her ear pinna. As per the complainant, the body was lying on bed when he reached at the spot. So it is debatable as to whether the offence under Section 304-B is made out or Section 302 IPC is attracted.

7. Merely on the ground that petitioner is in custody, no case is made out to grant the bail to the petitioner. Consequently, the present

petition stands dismissed. However, nothing expressed hereinabove is to be considered as an expression of opinion on the merits of the case.

15.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No