

219 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-53731-2023
Date of decision: 6th March, 2024

Pankaj

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J (ORAL):-

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

FIR No.	Date	Police Station	Sections
398	04.05.2023	Samalkha, District Panipat	304-B of Indian Penal Code, 1860 (for short ‘IPC’)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 26.03.2023, on receipt of an information regarding admission of the victim Sunita in Medicare Hospital, Smalakha in critical condition, a police party reached there and obtained opinion of doctor regarding the condition of the victim. She was declared to be unfit to make statement. Thereafter, an application was again moved on 08.04.2023, at Rawal Hospital, Sonipat for recording statement of the victim but she was still found to be unfit to make her statement. The statement of husband and

brother of the victim had been recorded on that date. The victim died during the course of her treatment on 04.05.2023. Inquest proceedings and post-mortem examination of dead body of the victim was conducted. On the same day, the complainant Pawan, who is brother of the victim lodged a complaint to the effect that the victim was married with the present petitioner as on 28.11.2021. Though sufficient dowry had been given at the time of marriage but the petitioner and his other family members used to harass his sister on account of bringing insufficient dowry. They used to say that if she did not bring money and vehicle from her parental house then they would either kill her or would solemnize second marriage of the petitioner. He also recorded that these things were told to him and other family members by the victim herself. However, they used to pacify her and send her back to her matrimonial house in order to settle her there. He also alleged that the victim had died a dowry death and prayed for taking action against the culprits. On the basis of his statement, a case under Section 304-B of IPC was registered. The petitioner was arrested on 11.05.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for the commission of offence punishable under Section 304-B of IPC.

3. The present petition has been filed by the petitioner on the ground and it has been argued by his Senior counsel that he has been falsely implicated in this case. There is delay of more than one month in lodging of the FIR from the date of the incident of self-hanging the victim. On the day,

when the victim had hanged herself, she had left a suicide note wherein, she had not held the petitioner or any other person responsible for her death and had also stated that demand of dowry was not cause of her committing suicide. It is further argued that the family of the petitioner and petitioner himself did their best to save the life of the victim and had spent huge amount of money on her treatment. It is a case of suicidal death. Vague and omnibus allegations with regard to the demand of dowry have been raised against the petitioner and his family members. The rest of family members of the petitioner have even been found innocent and have not been arrested and challaned. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is argued that petition deserves to be allowed and the petitioner deserves to be given concession of bail.

4. Status report has been filed by the respondent-State, as per which, thorough investigation was conducted in the matter and it was found that victim had died unnatural death on account of demand of dowry and as a result of harassment meted to her by the present petitioner. It is also submitted that the petitioner had suffered disclosure statement admitting his involvement in the subject crime. The complainant and other material witnesses are yet to be examined, there are chances of petitioner's intimidating them. With these broad submissions, it is argued that petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned

State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the victim was harassed by the petitioner and his family members on account of demand of dowry and had committed suicide due to that reason. Though copy of a suicide note stated to have been written by the victim and has been placed on record as Annexure P-3 but as submitted by learned State counsel, no such suicide note had been handed over to the investigating agency and is part of the challan report. Therefore, no consideration, whatsoever, can be given to this document at this stage. However, it has also emerged that the victim had tried to hang herself on 26.03.2023 and had died during the course of treatment on 04.05.2023 i.e. after a period of more than one month. Neither the present complainant nor any other member of family of the victim are shown to have recorded any statement during the intervening period before the investigating agency alleging that the victim had made attempt to kill herself by hanging herself on account of harassment given by the petitioner or his family members on account of demand of dowry. It has also not been specifically alleged in the complaint as to which particular demand had been raised by the petitioner and his family members and at what particular type. The trial is likely to take time. The petitioner is in custody since 11.05.2023. Keeping in view the entire facts and circumstances of the case, I am of the considered opinion that he deserves to be released on bail. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing

personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/
Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be
construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if
any is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th March, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |