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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-50281-2024

Date of decision: 18.10.2024

Naveen

....Petitioner

Versus

State of Haryana

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Anshumaan Dalal, Advocate  
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 483 of BNSS, 2023 seeking regular bail in case bearing FIR No.96 dated 25.04.2024 under Sections 306/34 of IPC (Section 498-A of IPC added later on) registered at Police Station Asauda, Jhajjar, Haryana.

The FIR (*supra*) was registered on the statement of the complainant by alleging that the marriage of his daughter, namely, Pramila, was solemnized with the accused/petitioner in the year 2016 and he spent Rs.20 lakh in the said marriage. After some time of this marriage, the accused/petitioner i.e. husband of the deceased and her in-laws started demanding more dowry and resorted to physical violence. Thereafter, the complainant gave money to the family of in-laws of her daughter on different occasions. It is further alleged that 02-03 days prior to the occurrence, the husband of the deceased returned on leave from Army and after his return, his entire family along with him, started beating his daughter and the deceased informed the complainant about all this and he assured her that he would come

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and take her back to home. On 24.04.2024 at about 08:26 P.M., the accused/petitioner telephonically informed the son of the complainant that they killed Pramila and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner is serving as Lance Naik in the Indian Army and the marriage between the petitioner and the deceased had taken place on 15.11.2016 and there has never been any complaint against the petitioner or his family members with regard to any harassment in the last 08 years. He further submits that the petitioner used to deposit all his salary in the account of the deceased and the deceased had extended a loan to two persons, namely, Dinesh and Jagdish, who were father-in-law and husband of the cousin of the deceased and the complainant-Bijender had stood as guarantor to the said loan. When the petitioner and deceased wanted to construct a house, she went to her parental home at Dadri to demand back her ATM and Canteen Card of the petitioner which was taken by her family members. However, her health got deteriorated and she was admitted in Oscar Super Speciality Hospital Dadri on 22.04.2024 as discernible from medical record (Annexure P-2). The deceased returned to her matrimonial home on 22.04.2024 and again her health got deteriorated and on getting this information, the petitioner took leave for 20 days and reached home on 23.04.2024 and he got the deceased admitted in PGIMS, Rohtak on the next date which is apparent from the medical record (Annexure P-3) and on the same day, in the evening, the deceased committed suicide and the complainant named six persons in the FIR (*supra*) out of which, 03 persons have been exonerated during investigation. Even after the death of deceased, her family members continued to use her ATM Card and withdrew a total sum



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of Rs.8,77,000/- by using ATM Card at Dadri and Bhiwani. The account statement of the deceased is available on record as Annexure P-4. Further, the petitioner has moved to the learned trial Court for preserving the CCTV footage of various ATMs where the cash withdrawals were made by using the ATM of the deceased even after her death and there are no allegations available on record which would constitute abetment within the meaning of Section 107 of IPC to make the petitioner liable under Section 306 of IPC. The petitioner is behind the bars since 30.04.2023 and the investigation of the case is complete and final report has already been presented.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that petitioner is the husband of the deceased and there are allegations of harassment against him, as such, he is not entitled for the relief of regular bail. However, she could not controvert the fact that the petitioner is not involved in any other case.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."*

Having heard learned counsel for the parties and after perusing the

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record of the case, it transpires that the petitioner is behind the bars for 05 months and 16 days as on 16.10.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 35 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Naveen is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**18.10.2024***Neha*

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