



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222 CRM-M-50454 of 2024
DATE OF DECISION :- 21.10.2024

Sandeep ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rajwant Singh Chahal, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.224 dated 05.12.2021, registered for the offences punishable under Sections 304-B of IPC (added later on & Section 302 IPC deleted), 34 IPC at Police Station Ding, Sirsa.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Pamma Ram son of Shama Ram, R/o Pathrala, Police Station Sangat, District Bathinda, aged about 45 years, Mobile No.9872718429. Stated that I am resident of aforesaid address and labourer by profession, I have four children, three daughters and a son, the eldest is Laxmi younger to her Rajni and the youngest daughter is Rekha and the youngest is son



Krishan Ram, my daughter Laxmi and Rajni are married. I have performed the marriage of my daughter Rajni, aged 22 years, with Sandeep son of Jangir Singh, resident of Narelkhera on 20.09.2020. That after marriage, my daughter Rajni has given birth to a son, who is aged about 5 months, that after marriage, Sandeep, husband of my daughter and father-in-law Jangir Singh and mother-in-law Pallo Bai, used to quarrel and torture. That on dated 05.12.2021 at about 11 o'clock in the day, I received a phone call on my phone from my daughter Rajni that 'Papa come and take me, that her husband Sandeep, father-in-law Jangir Singh, mother-in-law Pallo Bai harassed her'. Thereafter my daughter had disconnected the phone. That after about 15 minutes, I received the phone call from Jangir Singh, father-in-law of my daughter Rajni that Rajni has suffered attack. You come immediately. That on this information, I and my wife Karamjit and other family members reached in the house of my daughter Rajni in Village Narelkhera, then saw that dead body of my daughter Rajni was lying on the ground. That I and my family members has seen minutely and found that bluish mark was present on the neck of my daughter Rajni. That I have full suspicion that my daughter Rajni has been killed jointly by throttling by my son-in-law Sandeep and Jangir Singh, father-in-law of Rajni, mother-in-law Pallo Devi and Abhey Singh. That strict action be taken against my son-in-law Sandeep, Jangir Singh, mother-in-law Pallo Devi and Abhey Singh, residents of Narelkhera and I be given justice. That I have recorded my statement, heard, same is correct. LTI/ Pamma Ram, Karamjit Ram, signed in Punjabi. Attesting Kashmiri Lal, P.S. Ding, Dt. 05.12.2021. Police Proceedings - Today on dated 5.12.2021, I/INSP SHO alongwith Head Constable Kuldeep Singh 177, ECH Lal Chand No.678 with Government Vehicle HR-037-2357 driven by EHC Hansraj No.1358 were present for patrolling at Bus Stop Ding Road that a phone was received on my government phone from Control



Room, Sirsa that in village Narelkhera, a girl has been hanged in the family of Bazigars, who has died, reach at the spot for proceeding. That on receiving the information, I INSP/SHO with co-employees alongwith Government vehicle reached at the house of Jangir Singh son of Pallu Ram in village Narelkhera after enquiring, where dead body of a girl, aged about 22 years, was found lying on the ground. That Pamma Ram son of Shama Ram, R/o Pathrala, Police Station Sangat, District Bathinda was found present near the dead body of girl, who got recorded his statement in the presence of his cousin Karamjit Ram son of Gurnam Ram, Pathrala, whose statement was recorded word to word. It was read over, was made understood, who after admitting his statement to be correct, had put his left thumb impression below his statement and Karamjit Ram, cousin of complainant had put his signatures in Punjabi, which have been verified by me INSP/SHO. From the statements, on finding the offence under Sections 302/34 of I.P.C., the writing is being sent to police station through EHC Lal Chand 678 for registration of case. After registration of case, number be informed through notice. Scene of crime team be sent to the spot.. The special report of the case be got dispatched to the officers. I INSP/SHO alongwith co-employees am busy for proceedings under Section 174 of Cr.P.C. SD/ Kashmiri Lal INSP/SHO, Police Station Ding, Sirsa dated 5/12/2021 time 09:40 PM Place Village Narelkhera. On receipt of tehrir, aforesaid case has been registered, special report of the case is being dispatched through e-mail to Ilaqa Magistrate and to the officers and copy of police file alongwith original tehrir is sent to the spot through coming EHC Lal Chand 678 to INSP/SHO Kashmiri Lal 506/H Police Station Ding.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.12.2021. Learned counsel has further submitted that the offence under Section 304-B of IPC is not made out against the



petitioner from the factual matrix of the case. Learned counsel for the petitioner has further submitted that marriage between the petitioner and the deceased took place on 20.09.2020 and no complaint whatsoever was earlier made by the family of the victim regarding any dowry harrasment etc. Learned counsel for the petitioner has further submitted that the prosecution has cited 21 witnesses in the challan out of which only 03 have been examined till date. Learned counsel for the petitioner has further referred to the orders dated 29.01.2024, 08.05.2024, 24.07.2024 & 29.08.2024 to argue that the procrastination of the trial cannot be attributed to the petitioner in any manner whatsoever. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition 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 18.10.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 18.12.2021 whereinafter investigation was carried out and challan stands presented on 14.03.2022. Total 21 prosecution witnesses have been cited and only 03 have been examined till date. The rival contention of learned counsel for the parties; as to whether the offence under Section 304-B of IPC is made out from the factual matrix of the case as also the weightage/veracity required to be attached to the argument that no complaint was earlier made on behalf of the victim or her family regarding dowry harrasment etc; 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. As per custody certificate dated 18.10.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 02 years and 10 months & is not shown to be involved in any other case.

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

7. 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/Illaq Magistrate.



- (vii) The petitioner shall not in any manner try to delay the trial.
8. 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 State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

21.10.2024

P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No