

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-55113-2023 (O&M)
Date of decision: 13.02.2024

Pardeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aman Redhu, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 507 dated 22.09.2022, registered under Section 304-B of IPC at Police Station Sadar Jind, District Jind.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Dayanand on 22.09.2022 alleging therein that his daughter Sarita was married with the petitioner about six years back. Two children were born out the wedlock. He alleged that the petitioner and his family members used to harass his daughter on account of demand of

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dowry. The petitioner and his family members used to make demand of money from them and since they were not able to fulfill their demand, they used to quarrel with his daughter and harass her. He further alleged that on 21.09.2022 at about 05:00 PM, he received a call from the uncle of the petitioner that his daughter had committed suicide. He rushed to her matrimonial home and found her dead body lying on a cot. He was informed by the petitioner that the victim had committed suicide by tying a knot with a Dupatta on her neck and garter. The complainant suspected that his daughter had either been killed by the petitioner and his family members or she had ended her life being fed up of the demands as made by the petitioner. Investigation proceedings were initiated. Inquest proceedings and postmortem of the dead body of the victim were conducted. During investigation, the petitioner was arrested on 23.09.2022. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court and presently, the petitioner is facing trial for commission of offence punishable under Section 304-B of IPC. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 25.05.2023.

3. The present petition has been filed on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody since 23.09.2022. The material witnesses have since been examined. The complainant has made material improvements in his sworn deposition. The victim had admittedly died suicidal death. Hence, it is urged that the present petition deserves to be allowed.

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4. Learned State counsel has filed the status report, wherein it is submitted that the victim had died due to ante-mortem hanging. There were serious allegations against the petitioner. Out of total 11 prosecution witnesses, 08 witnesses have since been examined. The trial is at its fag end. The material witnesses have deposed against the petitioner. There are chances of the petitioner's fleeing away, if extended benefit of bail. Hence, it is argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

6. The petitioner himself has placed on record statements of PW-1/complainant Dayanand, PW-2 Bhaan Singh, who is cousin brother of the victim, and PW-3 Dharambir, who is uncle of the victim. A perusal of the testimony of PW-1 reveals that he had categorically deposed about the demands, which were made by the petitioner and his family members from the victim. Though, learned counsel for the petitioner has argued that PW-4 Rajesh had not supported the prosecution version but it is revealed that this witness was none other than the real uncle of the petitioner himself. Therefore, his testimony does not bear any importance. Even PW-2 and PW-3 are shown to have supported the allegations as levelled by the complainant that the victim was harassed on account of demand of dowry. The trial is at its fag end. The allegations against the petitioner are serious in nature. The victim, who was a young lady and was mother of two children, had died suicidal death within five years of her marriage with the petitioner. Keeping in view the nature of evidence, which has come on record, as well as the gravity of offence as alleged to have been committed by the petitioner, the quantum of

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sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

6. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

13.02.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>