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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54401-2024 (O&M)
Date of Decision: 07.11.2024

CHETAN

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Anshumaan Dalal , Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.270 dated 07.05.2023, registered for the offences punishable under Sections 304-B, 498-A, 406, 34 and 201 of IPC at Police Station Tosham, District Bhiwani, Haryana.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

'It is stated that I Deepak Sharma son of Satish Sharma, resident of Sector6, Bahadurgarh, am presently posted at Civil Hospital Bahadurgarh. That we are two brothers and sisters. My sister Ankita was married with Chetan son of Suresh resident of Kairun, about 2 & half years back as per Hindu Rites and Ceremonies by us. We had given a lot of dowry and alms in the marriage. After some days of the marriage, in-laws of my sister Ankita started to harass her and started to demand money. That I gave Rs.50,000/- cash to Chetan son of Suresh twice, but despite that Chetan son of Suresh, Urmit wife of Suresh, Neha daughter of Suresh, Suresh son of Murari, did not understand. That they used to repeatedly taunt my sister and harass her for not bringing more dowry and Uma Shankar son of Sant Lal and Madan son of Salal, village Bapora, both used

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to ask Urmil mother-in-law of my sister to beat Ankita and throw out of her house by coming to her matrimonial home. Yesterday on 06.05.2023 my sister Ankita sent a suicide note written by her in her hand on my whatsapp. That I had given Rs.4 Lakhs in the account of mother-in-law of my sister prior to marriage also, but they kept on harassing my sister. Yesterday also my sister was beaten by her mother in-law Urmil and husband Chetan and harass her, due to which my sister consumed sulphas tablets kept at home. Regarding this my sister told my mother on phone, then I and my family members reached Mittal Hospital, Bhiwani after arranging vehicle. My brother-inlaw has brought my sister to then due Mittal Hospital, to deteriorating condition of my sister brought her Kainos Hospital Rohtak, who died today, during treatment. So, it is prayed to you, strictest legal action be taken against Chetan son of Suresh, Neha daughter of Suresh, Suresh son of Murari, Urmil wife of Suresh, Uma Shankar son of Sant Lal, Madan Lal son of Sant Lal, village Bapora, and justice be done to my sister. Sd/- Dr. Deepak.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.5.2023. Learned counsel has further argued that the marriage of the deceased with the petitioner took place on 25.11.2020 and she passed away on 6.5.2023 but no complaint was ever made by the deceased or her family on account of any dowry harassment being meted out to her. Learned counsel, thus, submitted that offence under Section 304-B of IPC is not made out from the factual matrix of the case. Learned counsel for the petitioner has further argued that the deceased was pursuing Ph.D. degree from Social Work Department, Kurukshetra University and was unable to complete her dissertation and it is on this account that she has committed suicide. Thus, regular bail is prayed for.

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.

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

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6. The petitioner was arrested on 13.5.2023 whereinafter investigation was carried out and challan was presented on 9.8.2023. Total 23 prosecution witnesses have been cited, out of which 9 stand examined and 3 have been given up. It has not been disputed that all the private prosecution witnesses since stand examined. The rival contention of learned counsel for the parties; as to whether the offence under Section 304-B of the IPC is made out against the petitioner, the weightage/veracity of the argument raised by learned counsel for the petitioner that no previous complaint was ever made by the deceased or her family on account of any dowry harassment to the deceased & as to whether the deceased was suffering from any kind of depression on account of her allegedly not having completed her dissertation in the Ph.D. degree programme being pursued by her; 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 remaining prosecution evidence. As per custody certificate dated 06.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year, 05 months and 23 days and 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 totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.



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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 cellphone 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/Illaqa 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



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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

07.11.2024

Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No