

**CRM-M-54397 of 2024 (O&M)** 1**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****227+105****CRM-M-54397 of 2024 (O&M)****DATE OF DECISION :- 20.11.2024****Naresh Kumar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Sandeep S. Majithia, 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.794 dated 19.12.2023, registered for the offences punishable under Sections 304-B, 406 of IPC at Police Station Mujessar, Faridabad, District Faridabad.

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

“To, the Police Post Incharge, Sanjay Colony, Faridabad. Sir, it is submitted that I, Suresh Chand son of Hardawari Singh, am permanent resident of Village Chhaprawat, Police Station Gulawati, District Bulandshehar, UP. I solemnized the marriage of my daughter, Rashmi, daughter of Suresh Chand on 17.02.2018 with Naresh son of Niranjan, R/o H.No.2856, Gali No.21, Sanjay Colony, Ballabgarh, Faridabad, as per Hindu ceremonies and I gave huge amount of dowry articles in the marriage. A female child was born out of the wedlock. That



Naresh used to demand car, money and land from my daughter Rashmi since after marriage and used to give beating to my daughter and used to torture her. That my daughter informed me regarding the same, consequent thereupon, me and my brother-in-law Fateh Singh son of Ram Singh, R/o Village Hudithal, Palwal tried to prevail upon Naresh, his brother Umesh and their father Narinder on a number of occasions, who did not mend their ways inspite of repeated request and all three father and sons used to say that your brother-in-law Fateh Singh does not have any child, transfer whole his land to the name of my son Naresh, otherwise, we will kill your daughter Rashmi. Umesh and Narinder used to instigate Naresh i.e. husband of Rashmi time and again for the sake of land. That today i.e. on the night of 18/19.12.2023, Naresh and his brother Umesh gave beating to my daughter Rashmi and forcibly hanged her to death, information regarding which was given by my brother-in-law Fateh Singh over the phone. That now I have come present to the Police Post and I have moved a written complaint Serious action be initiated against Naresh, Umesh and Narinder and justice be done to me. SD/-Suresh Chand son of Hardawari Singh, Village Chhaprawat, Police Station Gulawati, District Bulandshehar, Uttar Pradesh.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.12.2023. Learned counsel has further argued that the deceased had committed suicide on account of mental anxiety/stress. Learned counsel for the petitioner has further argued that there was no complaint ever made by the family of the deceased earlier regarding any dowry harassment having been meted out to the deceased or her family and, therefore, the ingredients of Section 304 of the IPC are not met with in the case in hand. Learned counsel for the petitioner has further argued that a female child, who is aged about 04 years, is born out of the wedlock

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between the petitioner and the deceased and the petitioner is required to take care of her as well. Learned counsel for the petitioner has further argued that the prime prosecution witnesses are belonging to the victim-side and thus there is no likelihood that the petitioner will be able to influence/prevail upon them in case he is released on bail. 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 19.11.2024 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 21.12.2023 whereinafter investigation was carried out and challan stands presented on 27.02.2024. Total 14 prosecution witnesses have been cited and none has been examined till date. Indubitably, the conclusion of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether any complaint/grievance was ever made by the family of the deceased before her death, as to whether the offence of Section 304B of IPC is made out against the petitioner or not in the factual matrix of the case in hand, as also whether the deceased had committed suicide on account of any mental stress/anxiety; 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

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justice or interfering with the prosecution evidence. As per custody certificate dated 19.11.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period of 10 months and 29 days & 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



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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

20.11.2024
P.Singh

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