

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59093-2023
Date of decision: 18th January, 2024

Pawan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Raj Duggal, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
390	21.10.2022	Sadar Rohtak, District Rohtak	304-B and 498-A of IPC, 1860

2. A written complaint filed by the complainant-Rajesh alleging therein that his daughter was married with the petitioner on 05.12.2021. Shortly after the marriage, the petitioner and his family members had started harassing her on account of bringing insufficient dowry and had thrown her out of her matrimonial house by raising demand of a motorcycle. The victim had apprised about this fact to the complainant but after making her understand, the complainant sent her back to her matrimonial house. He alleged that on the evening of 20.10.2022, he had received information about the factum of her daughter committing suicide due to atrocities of her

in-laws. While alleging that her daughter had died a dowry death due to the atrocities committed by the petitioner and his family members, he prayed for taking action against the culprits. After completion of necessary investigation and usual formalities, challan was presented in the court and presently, the petitioner is facing trial for commission of offences punishable under sections 304-B and 498-A of IPC, 1860. He had moved an application for grant of bail before the learned trial court which was dismissed vide order dated 19.04.2023.

3. The present petition filed by the petitioner and it is argued by his counsel that he has been falsely implicated in this case. The trial had commenced but none of the twenty witnesses had been examined so far the members of the complainant party were trying to delay the conclusion of the trial. Infact, the victim had been suffering from some gynecological problem even prior to her marriage and her frustration on account of this fact could be the cause of her death. The allegations of demand of dowry or the victim having died dowry death were false on the face of the same. No recovery had to be effected from him. No useful purpose was going to be served by detaining him in custody any further. Hence, he has argued that the petition deserves to be allowed.

4. Learned State counsel has resisted the petition in terms of status report. It is submitted that there are specific allegations that the victim was harassed by the petitioner on account of demand of motor-cycle. The victim who was a young female of 22 years only, had died within a period of ten months of her marriage and her death had apparently been abetted by the

petitioner. Trial had commenced. One witness has been examined. Allegations against the petitioner are quite serious in nature. Therefore, he has argued that petition does not deserve to be allowed.

5. I have heard learned counsel for the parties and have gone through the record.

6. The petitioner is alleged to have harassed the victim on account of demand of dowry and is further even alleged to have thrown her out of her matrimonial house by raising demand of motorcycle. The victim died under unnatural circumstances within ten years of her marriage. Though her death is suicidal but at this stage there is nothing on record to show that she was suffering from some gynecological problem of such nature which led her to frustration or depression as claimed by the petitioner to such an extent that she ended her life. Keeping in view the nature of allegations and gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which may entail, at this stage, he does not deserve to be given concession of bail.

7. The petition is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th January, 2024
Parveen Sharma

1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No