

**CRM-M-56312 of 2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****215****CRM-M-56312 of 2024****DATE OF DECISION :- 19.11.2024****Munesh Kumar****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Shokeen Singh Verma, 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.260 dated 17.05.2024, registered for the offences punishable under Sections 302, 304-B, 34 of IPC and later on added 120-B of IPC at Police Station Gharaunda, District Karnal.

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

"At this time I ASI Rajkumar No.1165/ Karnal present at Police Station and a written complaint is received in P.S SI/SHO Ramesh Chand No.1250/Karnal which is as follow: To, SHO, P.S Gharaunda. It is requested that I Sumitra Devi w/o Late Sh. Ramayan Chauhan r/o village Bishanpur P.S. Manpur, District Nalanda, Bihar. I have 4 kids, two boys and two girls. My elder girl was married through my sister and brother in law who was working in factory at Harinagar, Panipat in March, 2020 with



Sangam s/o Sanjeev r/o Jamalpur. My daughter has two kids. After few days they started to harass my daughter due to less dowry and taunting that "Bhukhe Nange Ghr Ki" and thrown her out of the house many times. My daughter came to my sister and brother in laws house. My sister and brother in law conducted panchayat in Jamalpur, where her in-laws accept their mistakes and promise to never repeat it and we let it go. All these were told to me by my daughter, sister and brother in law. 6 months ago, I went to my daughter's in law's house along with my sister and requested with folded hands to my son in law Sangam, his father Sanjeev, His mother Poonam and his brother Harsh that we are poor person and we cannot give any dowry and stayed there for a day and came back. One month ago, my daughter was thrown out of the house by my son in law Snagam and his parents. My daughter called my brother in law and he took her to Panipat and from Panipat she came to me. She stayed with me for 15 days. My daughter's in laws apologized and gave assurance not to harass. My son in law and his younger brother Harsh took my daughter to their home. Yesterday my daughter's father in law called my brother in law that my daughter has died due to illness. My sister and my brother in law told me about this and my sister and brother went to the Govt. Hospital and gave their statement. Today I came to the Govt. Hospital and saw my daughter's dead body, there are strangulation marks on her neck. I fully doubt that my daughter was murdered by my son in law, his brother Harsh, her mother in law Poonam and Father in Law Sanjeev by strangulation. Legal action should be taken against them and opinion should be taken from the Post mortem report issued by the doctor. Sd/ Sumitra Devi 74048-35070.

Police Proceedings: Today I SI/SHO present at Police Station and Sumitra w/o Lt. Ramayan Chauhan r/o Village Bishanpur P.S. Manpur District Nalanda, Bihar came along with her family members and present a complaint. As per the complaint,



offence u/s 304-B, 302,34 IPC is found to be committed. Complaint given to MHC P.S for the registration of FIR.I SI/SHO went to the spot on govt. Vehicle. After registration, FIR No. Should be informed and special report should be sent to the Higher Official through E-mail." A copy of the FIR is annexed herewith as Annexure P-1."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 25.06.2024. Learned counsel has further argued that the prime role ascribed to the petitioner qua the crime in question is of supplying intoxicating/sleeping pills to the co-accused, which has allegedly later on been administered to the deceased, wherein upon her murder has been committed. Learned counsel for the petitioner has further argued that the prime prosecution witness namely the complainant (mother of the victim) as also one uncle (Mausa) of the victim have turned hostile and thus the trial is not likely to culminate into conviction. 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 17.11.2024 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 25.06.2024 whereinafter investigation was carried out and challan stands presented on 01.08.2024. Total 13 prosecution witnesses have been cited out of which two stand examined till date. It is not in dispute that the prime prosecution witnesses

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namely the complainant (mother of the victim) as also an uncle (Mausa) of the victim have been examined as prosecution witnesses and they have turned hostile. The rival contention of learned counsel for the parties; regarding the exact role of the petitioner alleged to have been shown in challan as also the weightage required to be attached to the testimonies of the hostile witnesses namely PW1 (complainant/mother of the victim) as also PW2-uncle of the victim; 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 17.11.2024 filed by learned State counsel, the petitioner has suffered incarceration for a period of 04 months and 22 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 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

19.11.2024
P.Singh

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