

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.62107 of 2023
Date of Decision: 14.03.2024

Rinku ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Dhruv Dayal, Advocate,
for the petitioner.

Mr. P.S. Bhandari, AAG, Punjab.

MANISHA BATRA, J.(Oral)

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

FIR No.	Police Station	Sections
248	Israna, District Panipat	304-B and 34 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that on 30.05.2023 on receipt of an information regarding death of the victim Manju in her matrimonial house due to hanging, a police party reached at the spot wherein the dead body of the victim was found lying on a fan. The complainant Suresh, brother of the victim submitted a written complaint alleging therein that the victim got married with the petitioner on 27.03.2019. Shortly after the marriage, the petitioner and his family members had started quarreling with the victim and demanded dowry from her. On their demand, the complainant had given an amount of Rs.2 lacs to the petitioner and his family members and had pleaded with them to not to harass the victim. He alleged that the

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greed of the petitioner and his family members for dowry kept on increasing and they started quarreling with and harassing the victim by asking her to bring an amount of Rs.10 lacs from her family members and otherwise threatened to kill her. He alleged that it was due to the harassment meted out at the hands of the petitioner and his family members that the victim had committed suicide. After registration of FIR, investigation proceedings were initiated. The inquest proceedings and postmortem examination of dead body was conducted. The petitioner was joined into investigation on 31.05.2023. He was interrogated and suffered disclosure statement admitting his involvement in the subject crime and was formally arrested. During the course of investigation, the complainant submitted a pen drive containing some conversation between the victim and himself which revealed that the victim used to complain that the petitioner extended beatings to her on trivial issues and after completion of necessary investigation, challan was presented in the Court and presently, the petitioner is facing trial for commission of offence punishable under Section 304-B and 34 of IPC.

3. It is argued by learned counsel for the petitioner that he is in custody since 23.05.2023. The investigation has since been completed. His custodial interrogation is no more required. There are general allegations against him. His other family members against whom there were similar allegations have not been arrested and challaned. No useful purpose would be served by keeping him in custody. There is no connection between the death of the victim and the alleged demand of dowry as made by the petitioner. Only one witness has been examined so far. The petitioner has no criminal antecedents. With these broad submissions, it is argued that the petition deserves to be allowed.

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4. Status report has been filed by the respondent-State as per which, after conducting thorough investigation in the matter, the complicity of the petitioner in the act of harassing the victim physically as well as mentally on account of demand of dowry had been made out. It is argued by learned State counsel assisted by learned counsel for the complainant that there were serious allegations against the petitioner. The material witnesses are yet to be examined. There are chances of petitioner's intimidating them if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel assisted by learned counsel for the complainant at considerable length and have gone through the record carefully.

6. As per Section 304-B of IPC, where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death. In the instant case, there is no dispute about the fact that the victim has died an unnatural death by way of hanging herself within seven years of her marriage. The allegations against the petitioner are that he used to harass her by raising demand of dowry and was given an amount of Rs.2 lacs by the complainant and thereafter he had raised demand of sum of Rs.10 lacs. The basic ingredient to attract the provisions of Section 304-B of IPC is that the death of the woman should have occurred under circumstances which are not normal.

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The law presumes that the deaths which are not normal, if had happened within seven years of date of marriage and the victim was subjected to cruelty in connection with demand of dowry made before her death, would be termed as dowry death. The presumption in law of a “dowry death” is meant to act as a deterrent to the demand of dowry and to ensure that there is no victimization because of that. There are specific allegations against the petitioner qua raising demand of a sum of Rs.10 lacs from the victim and also harassing her on that account. Undoubtedly, these allegations will be decided in trial. The trial has since been commenced. There is nothing at this stage on record to show that there would be any undue delay in conclusion of the same. There are specific and serious allegations against the petitioner. The complainant and other material witnesses are yet to be examined. The apprehension has been expressed by learned counsel for the complainant that there are chances of petitioner’s intimidating the witnesses or of fleeing if extended benefit of bail. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petitioner does not deserve to be given concession of bail at this stage. Hence, the petition is dismissed.

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

14.03.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No