

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

275

CRM-M No.62268 of 2023
Date of Decision: 09.01.2024

Sonu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saurabh Sharma, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J.

1. 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
263	16.06.2023	Jind Sadar, District Jind.	304-B and 34 of the IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint submitted by the complainant Pardeep alleging that his sister Sudesh who was married to the present petitioner on 15.01.2021 had died on 14.06.2023. It was alleged by him that she was being harassed by the petitioner and his family members on account of demand of dowry and her death though being suicidal was a dowry death. Investigation proceedings were initiated after registration of the case. The

Neutral Citation No.2024:PHHC:002188

petitioner was arrested. After completion of investigation and usual formalities, challan was presented against him in the Court and presently he is facing trial for commission of offence punishable under Sections 304-B and 34 of IPC. He has filed an application for grant of bail before learned trial Court which has been dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 25.06.2023. Neither the complainant who was the brother of the victim nor other relatives of the victim i.e. PW-2 Mukesh and PW-3 Ajit have supported the version of the prosecution and they have exonerated the petitioner of the allegations as levelled against him. The trial is likely to take time. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are specific and serious allegations against the petitioner. The viscera contents of the victim had been sent to FSL and the report is yet to come. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also gone through the material placed on record very carefully.

6. The petitioner is alleged to have caused dowry death of victim Sudesh by subjecting her to cruelty on account of demand of dowry. The complainant, who is the brother of the victim and lodger of the FIR, has not supported the version of the FIR in his statement recorded before the trial Court on 31.10.2023 as it is shown from his statement that he had been declared hostile and when subjected to pertinent questions of cross

Neutral Citation No.2024:PHHC:002188

examination, he had not relented and is shown to have maintained the stand that the present petitioner had no role to play in the death of his sister. Similarly, PW-2 Mukesh/another brother of the victim and PW-3/uncle of the victim, are also not shown to have supported the prosecution version and in their respective sworn depositions, they have exonerated the present petitioner from the allegations as leveled against him. The petitioner is in custody since 25.06.2023. As per postmortem report, the death of the victim was suicidal in nature. Keeping in view the nature of evidence, which has come on record, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Therefore, in view of the above attendants facts and circumstances, it is held that it is a fit case for extending benefit of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.01.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No