

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M-62751-2023

Date of Decision: 05.04.2024

Deepak

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Raman Chawla, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 114 dated 04.06.2022 (Annexure P-1) registered under Sections 304-B and 498-A read with Section 34 IPC at Police Station Pillu Khera, District Jind.

The aforesaid FIR was registered on the basis of statement made by the maternal uncle/Mama of the deceased and the brief facts of the case as mentioned in para 3 of the order dated 16.09.2022 (Annexure P-7), passed by the learned Additional Sessions Judge, Jind, are reproduced as under:-

3. Present FIR was registered on the statement of Naseeb son of Azad Singh, resident of Bamla inter-alia on the allegations that he is having two daughters and one sister. His sister namely Manisha was married to Rajesh son of

Dharampal in village Chhara and his brother-in-law Rajesh has already died. His sister Manisha is having three daughters out of them Chanchal was married to Deepak son of Karan Singh resident of village Gangoli. They have given dowry beyond their capacity but in-laws of Chanchal were not happy with this dowry. They have also demanded money from Chanchal many times by saying that their son is in job and she belongs to a poor family and they further stated to her that she should sale of her share of land and hand over the amount to them, otherwise they would not keep her and their son would be married again. Deepak (applicant/accused), his father Karan, mother of Deepak and Jyoti sister of Deepak used to beat Chanchal and used to taunt her. Chanchal had come to the house of her parents one week earlier and after two days went to her in-laws house in village Gangoli. Chanchal had told him about her husband regarding demand of dowry and beatings to her. Yesterday, Deepak husband of Chanchal told him on mobile that Chanchal is not feeling well and she is vomiting and then asked them to reach in Govt. Hospital, Jind and then third time Deepak told that Chanchal has hang herself and they brought her in Govt. Hospital, Jind where she died. On this information, he alongwith other family members reached in Govt. Hospital, Jind and saw that Chanchal was having a scar on her body and neck and she was having injury on her head also. He has full suspicion that his niece (Bhanji) Chanchal was subjected to cruelty by Deepak, Karan father of Deepak, mother of Deepak and Jyoti sister of Deepak and due to the harassment Chanchal has committed suicide and they are responsible for the same. Prayer was made for taking legal action against the accused persons.”

Learned counsel for the petitioner, *inter alia*, submits that petitioner is the husband of the deceased. It is submitted that it has been alleged in the FIR that when the family of the deceased had reached the hospital, they found that there were injury marks on the head of the deceased and there was also a mark of strangulation on the neck. It is stated that the said assertions made in the FIR are belied by the Postmortem Report (Annexure R-1), wherein at page 83 of the paper-book, no such injury has been found on the head of the deceased and only an abrasion of size 4x1.5 cm present below right Mandible and simple

bruise of size 3x2 cm present over right arm lateral. It is further submitted that cause of death is suicide by hanging as is also recorded in the Postmortem Report. Learned counsel for the petitioner also refers to the Crime Scene Report dated 05.06.2022 (Annexure P-2), wherein it has been recorded that '*no struggling mark observed on the spot*' and there is '*no indication of strangulation observed on the deceased and it could be a hanging*'. The petitioner has been in custody since 11.06.2022. The trial is likely to take long time. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner be released on regular bail.

Learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that the petitioner was married to the deceased on 25.02.2022 and the incident had occurred on 03.06.2022 i.e. within less than 04 months of the marriage. However, it is admitted that 'cause of death is hanging' as mentioned in para 10 of the reply dated 05.01.2024 filed by way of affidavit of Sh. Ashish Kumar, Deputy Superintendent of Police, Safidon, District Jind.

Learned counsel for the State has filed custody certificate dated 04.04.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 01 year, 09 months and 22 days. As per custody certificate, there is no other case against the petitioner. Learned counsel for the State further informs that out of total 20 prosecution witnesses, 03 have have already been examined so far and the material witness i.e. the complainant has been examined as PW-1 and he has fully supported the prosecution story. Copy of the statement of the

complainant is annexed with the petition as (Annexure P-6).

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner and perusal of the custody certificate reveals that there is no other case against the petitioner; and the fact that material witnesses have already been examined; and also the fact that conclusion of trial will take considerable time as out of total 20 prosecution witnesses only 03 have been examined so far, and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Deepak S/o Karan Singh is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

05.04.2024
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(NIDHI GUPTA)
JUDGE

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