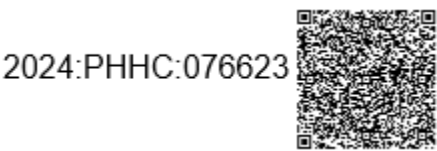


Neutral Citation No. 2024:PHHC:076623



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-63351-2023 (O&M)
Date of decision: 29.05.2024

Sandeep ...Petitioner

Versus

State of Haryana ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Anshuman Dalal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 844 dated 27.09.2022, registered under Sections 304-B and 34 of IPC at Police Station Azad Nagar, Hisar.
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 complaint lodged by the complainant Mahendra Singh alleging therein that his daughter Sakshi was married to petitioner just 04 months back. Since the very inception of her marital life, she was being harassed by the petitioner and his family members on account of demand of dowry and she used to apprise about this fact to them over phone. They had been pacifying her somehow and

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advising her to settle at her matrimonial home. He alleged that on night of 26.09.2022, at about 10:00 PM, his daughter had made a phone call to him informing that she had been physically assaulted by the petitioner and his family members for bringing less dowry and they were also hurling abuses to the complainant and his wife. She even expressed that she wanted to end her life. On receipt of this information, the complainant went to the house of her daughter on the next day but on reaching there, he found her dead body lying there as the victim hanged herself to death due to the harassment given by the petitioner and his family members. After registration of FIR, post-mortem examination of the dead body of the victim was conducted. Inquest proceedings were also conducted. The petitioner was arrested on 28.09.2022. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of bail before the trial Court but the same has been dismissed, vide order dated 17.07.2023.

3. The present has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. The relations between the victim and himself were cordial. No suicide note had been left by the victim. The allegations with regard to demand of dowry were quite vague as it had not been mentioned in the FIR as to what was demanded by the in-laws family of the victim and by which particular member of his family. In fact, the victim was having love affair with her brother-in-law Obmir and she had been having conversation with him for long duration. This fact was reflected from the Call Detail Records of above named Ombir and

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the victim as collected by the petitioner. The victim herself was not happy with her marriage with the petitioner due to her having affair with said Ombir and was under depression. On fateful day, he was working in his office at Gurugram, whereas the victim had hanged herself to death at village Bheriya, District Hisar. The death of the victim was not on account of any harassment meted out by him or by his family members due to demand of dowry. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petitioner deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has argued that the victim had died an unnatural death within a period of 04 months of her marriage with the petitioner at her matrimonial home and there was a presumption under Section 113-B of the Evidence Act that it was a dowry death. As per allegations in the complaint, she had made a phone call to her father qua her being harassed by the petitioner and his family members on account of bringing less dowry. The trial has commenced and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. Material witnesses are yet to be examined. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. With these broad submissions, it is urged that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The victim is proved to have died a suicidal death under unnatural circumstances within 04 months of her marriage with the petitioner.

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As per the allegations in the FIR, soon before her death, she was harassed by the petitioner and other members of her in-laws family on account of bringing insufficient dowry. The allegations prima facie show that it was a case of dowry death. The presumption under Section 113-B of IPC is also there. The material witnesses are yet to be examined. The apprehension that the petitioner may abscond or intimidate the witnesses cannot be stated to be unfounded at this stage. The plea that the victim was having affair with her brother-in-law and used to have long conversations with him on phone, therefore, being unhappy with her marriage with the petitioner, she has chosen to die a suicidal death, can be considered by the trial Court only after conclusion of the evidence to be led before it and after thorough assessment and evaluation of the same and not by this Court at this stage. Keeping in view the nature of allegations levelled against the petitioner as well as the gravity of offence, the quantum of sentence which the conviction may entail and attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail, at this stage. Accordingly, the petition is dismissed.

7. 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.

29.05.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned	Yes
Whether reportable	Yes