

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

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CRM-M-64314-2023 (O&M)
Date of decision: 18.03.2024

Satnam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karan Dev Sharma, Advocate and
Ms. Gurpreet Sagoo, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

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. 142 dated 24.05.2022, registered under Sections 302, 304-B and 34 of IPC at Police Station Chhainsa, District Faridabad.
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 a written complaint filed by complainant Kala Singh on 24.05.2022 alleging therein that victim Seema Kaur, who was his sister, got married with the petitioner six months back. Soon after the marriage, her in-laws started

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demanding dowry from them. They used to demand five tolas of gold and a four wheeler vehicle and exerted pressure upon the victim to bring so. He alleged that on 23.05.2022 at about 03:00 PM, he had received a call from the brother-in-law of his sister, who gave information about the death of his sister. The victim had ended her life by hanging herself. On this complaint, a case under Sections 302, 304-B read with Section 34 of IPC was registered. Investigation proceedings were initiated. The petitioner and co-accused, who are his parents, were arrested. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently the petitioner along with the co-accused is facing trial for commission of aforementioned offences. The petitioner had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 23.12.2023.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. His parents, who are co-accused in this case, have been extended benefit of bail. The allegations on the basis of record do not make out any case for commission of murder or causing dowry death by the petitioner. Rather, vague and general allegations have been levelled in the FIR itself. The complainant has been examined and has not levelled any specific allegation against him. As per report given by the doctor, it was a case of asphyxia due to hanging and not a homicidal death. The trial is likely to take time. The ingredients for commission of offence punishable under Section 304-B of IPC has also not been made out against the petitioner. Hence, it is argued that the present petition deserves to be allowed.

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4. Status report has been filed by the respondent-State, as per which, there are serious allegations against the petitioner and his family members. The trial is at the advance stage and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it is 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 victim undoubtedly had died a death under unnatural circumstances within six months of her marriage. However, on a perusal of the contents of the FIR as well as the testimony of PW-2 Kala Singh/complainant, it is revealed that there is no mention of any specific date, time, month, when the demand of jewellery and a four wheeler vehicle had been made by the petitioner or his family members as dowry from the victim or her family members. Rather, general and vague allegations with regard to said demands are shown to have been made. It is, therefore, debatable question as to whether the ingredients for commission of offence under Section 304-B IPC have been made out or not. The opinion of doctor also does not show it to be a case of homicidal death. Keeping in view the period of incarceration of the petitioner, the fact that the trial is still likely to take time coupled with the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

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

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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.

18.03.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>