

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-65006-2023

Date of decision: 08.01.2024

Pardeep Kumar

...Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0179 dated 18.04.2023 (Annexure P-1), registered for the offences punishable under Sections 120-B, 302 & 304-B IPC and Section 120-B deleted later on and Section 498-A IPC added later on at Police Station Gannaur, District Sonipat.

2. The case set up in the FIR in question is as follows:-

"To, The Incharge Police Post Khubdoo, Police Station Gannaur, Sonipat. I, Viay Kumar, am resident of 8184, Ram Sawrup Sai Colony, Ward No.13, Near Mahadev Dharam Kanta, Panipat. I got solemnized marriage of daughter Sheetal, on dated 29.06.2020, as per Hindu Rites & Ceremonies, with Pradeep son of Suraj Bhan, Village Bajana Kalan, District Sonipat, who gave birth to two daughters Tanvi aged 1 ¼ years and Kishika aged six months. I gave dowry, more than my capacity. After some days of the marriage itself, Sheetal's husband Pardeep and her father-in-law Surajbhan and Pradeep's Uncle (Chacha) Rohtash started harassing Sheetal for dowry and started giving taunts. When elder daughter was born to Sheetal, then the above stated persons they taunted Sheetal that "she will give birth only to girls in our house". Sheetal's father-in-law Suraj Bhan stated to me "You buy a scooty and give it to me,

and then we will not say anything to your daughter". I was not having such capacity so I gave my scooty to Suraj Bhan. After giving of Scooty, for some time, the in- laws of Sheetal remained quiet. However, after the birth of second daughter Mishika, the above stated persons started harassing my daughter Sheetal, beyond limits and started saying that she will give birth to girls. After one month of the birth of Mishika, Pardeep and Suraj Bhan gave beatings to my daughter Sheetal. My daughter disclosed me about the same on phone; and then I and my wife Sudesh came to Sheetal's in-laws house in Village Bajana Kalan and tried to make understand Pardeep and Surabhan, in the said regard but then these people started giving abuses to us and scuffled with us. We brought our daughter Sheetal with us. After one week, Pardeep came to my house and apologized from us and stated that me to send Sheetal and that he will reside separately from his family and will not say anything to Sheetal, in future. I, being father of a girl, send Sheetal with Pardeep. After some days, in the absence of Pardeep, Sheetal's father-in-law Suraj Bhan gave beatings to Sheetal. In the said regard, Sheetal informed me telephonically to the effect that her father-in-law gave her beatings and stated to her that "You will get to know in 15 days that in this house, either I will reside or you will reside". Thereafter, on 16.04.2023, Sheetal made a phone call to her mother and disclosed her that her father- in-law has come to house, after many days and he gave beatings to her. Thereafter, in the night of 16.04.2023, Sheetal again made a phone call to her mother and Sheetal stated that Pardeep gave beatings to her, in night time, and she has a threat of her life from these persons. In the night at around 11 PM yesterday, on 17.04.2023, Sheetal made a phone call to her mother, however, her voice was not being listened clearly and only it was heard that today Pardeep and her father-in-law Suraj Bhan will beat her and she stated to call her father. I, taking my car, after returning Ambala from Himachal, had slept on my Transport. I, in the morning, at about 6 AM, checked my mobile and saw that Sheetal had also made a phone call to me at about 10. I made a phone call to my wife, in the said regard, and then she disclosed that in between the said call, Pardeep's call was coming. So, she after disconnecting my phone, heard the phone call of Pardeep. My wife immediately made a phone call to me and asked me to come home immediately as Sheetal has been killed by her in-laws. When I alongwith my family members, came to Bajana Kalan, then I saw that the dead body of my daughter Sheetal was lying on the floor of Chaubara' of her house. Due to greed of money and due to she being mother of two daughters, my Laughter Sheetal has been murdered by her usband Pardeep and her

father-in-law Surajbhan nd she has been killed with the planned nspiracy of her mother-in-law Shimla and Chacha ohtash and wife of Rohtash. Legal action be taken ainst them. Sd/- Vijay Kumar 8950552118..."

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the FIR in question; challan was presented on 06.07.2023 and the material prosecution witnesses have not supported the prosecution case. He has further submitted that there is no other able bodied person in his family to take care of two minor children born out of the wedlock of the petitioner (herein) and the deceased. He has thus submitted that no useful purpose is likely to be served by keeping the petitioner behind the bars.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. After completion of investigation, challan was presented on 06.07.2023 wherein total 26 prosecution witnesses have been cited; material prosecution witnesses i.e. PW-1 (Vijay Kumar-father of the deceased), PW-2 (Sudesh-mother of the deceased), PW-3 (Rajinder-Uncle of the deceased), PW-4 (Vipin-cousin brother of the deceased), PW5 (Mahipal), PW-6 (Ajit) & PW-7 (Om Pal) have not supported the prosecution version and have turned hostile; as per custody certificate dated 05.01.2024, petitioner has undergone incarceration for a period of 08 months and 10 days and he is not involved in any other case & there is no material available on record to reflect likelihood of the petitioner absconding from the process of justice or

interfering with the prosecution evidence. In these facts and circumstances, I do not deem it appropriate to warrant further detention of the petitioner.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 08, 2024
Ajay

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