

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
213

CRM-M-63109-2024 (O&M)
Date of Decision: 19.12.2024

Rama Shankar @ Ravi

....Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sumit Kumar, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

Prayer in the present 1st petition under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No. 233 dated 04.04.2024 under Sections 304-B/34 IPC (Section 34 IPC was deleted later on) registered at Police Station Adarsh Nagar, Faridabad (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the present FIR (Annexure P-1) was registered on the basis of the statement made by the brother of the deceased. Learned counsel submits that the petitioner was married to the deceased on 10.02.2022. One child was born out of their wedlock on 13.03.2023, who is presently residing with the parents of the petitioner. On 04.04.2024, the deceased had committed suicide by hanging herself in the matrimonial home. On 4.4.2024 itself present FIR was registered by the brother of the deceased with the allegations that the petitioner alongwith other co-accused had committed



torture upon the deceased; and made dowry demands which compelled her to commit suicide. It is further alleged that the deceased had committed suicide due to demands of dowry, Rs.5 lacs; and bullet motorcycle from the deceased and her family. Learned counsel submits that the said allegations are false and fabricated, as no previous complaint was ever made by the deceased or any of the family members regarding dowry demands or beatings. Learned counsel also draws attention of this Court to the Reply dated 25.10.2024 (Annexure P-4) filed by the Police Authorities before the learned trial Court to the petitioner's application for grant of regular bail, the relevant extract of which reads as under (at page 23 of the paper book):-

“Investigation by Research officer and investigation by Station House Officer, attestation by witnesses, in presence of all, after the inspection of the spot, no evidence produced from the complainant side regarding any mobile recording or dowry related or giving any beatings and before this police complaint, was not presented.”

It is submitted that accordingly even after investigation, no evidence of dowry related demands or beatings, has been found against the petitioner. As such, all the in-laws except the petitioner, were exonerated upon investigation.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 06.04.2024 as undertrial. Reference is made to the order dated 22.11.2024 passed by the learned Additional

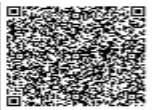


Sessions Judge-III, Faridabad (Annexure P-8), to submit that though summons have been issued to prosecution witnesses, they are not putting appearance before the learned trial Court, and now they have been summoned throughailable warrants. No useful purpose would be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed, and the petitioner be released on regular bail.

Learned counsel for the State opposes the prayer made on behalf of the petitioner and on instructions from ASI Surender Singh, informs this Court that the challan in the present case has been presented on 05.06.2024; charges have been framed on 07.09.2024; out of total 16 prosecution witnesses, none has been examined so far; and the next date before the learned trial Court is 25.02.2025.

Learned counsel for the State files custody certificate dated 18.12.2024, which is taken on record, as per which, the petitioner has been in custody as an undertrial for a period of 08 months and 13 days. A copy thereof has been supplied to learned counsel for the petitioner.

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 fact that: a) the custody period of 08 months and 13 days undergone by the petitioner as an undertrial; b) no other case is pending against the petitioner as evident from the custody certificate placed on record; c) out of total 16 witnesses, none has been examined so far and; d) therefore, the conclusion of trial



will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is allowed.

The petitioner-Rama Shankar @ Ravi S/o Chander Bhan, 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.

Pending application, if any, stands disposed of.

19.12.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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