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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1214/2024**

ARVINDER

.....Petitioner

Through: Mr. Rajat Katyal, Mr. Mayank Punia
and Ms. Ishita Mishra, Advocates

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with Insp. Sanjay Kumar Meena PS
NIA

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.09.2024

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1. The present Petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of Bail in FIR no. 705/2019 registered under Sections 498A/304B IPC at PS Narela Industrial Area.
2. It is submitted in the Bail Application that the Petitioner is a law abiding citizen who has been falsely implicated in this case. He has not committed any offence but the Complaint has been made against him with the sole intent of harassing him and with ulterior motive.
3. The Petitioner is 28 years old, husband of the deceased. He was arrested under Sections 498A/304B IPC on 06.12.2019 and remanded to Judicial Custody. The Charge Sheet has already been filed and the Charges have been framed.
4. The Prosecution has failed to bring any material evidence against the



petitioner. The prosecution has claimed that the petitioner had committed dowry harassment of his wife which led to her committing suicide by jumping off the roof on 03.12.2019. However, the Prosecution has failed to bring any evidence *vis-a-vis* the essential ingredients of dowry death as defined in Section 304B of the Indian Penal Code. Not a single piece of evidence could be collected either to establish cruelty or demand of Dowry soon before the death which forced the deceased to commit suicide. No act has been attributed to the petitioner to show that cruelty perpetrated on the deceased for demand of Dowry.

5. It is submitted that the petitioner got married to the deceased 08.03.2019 as per Hindu Rites and Rituals and she committed suicide on 03.12.2019. In order to save the life of her wife, the petitioner rushed to the hospital where she was declared “Brought Dead”.

6. The SDM recorded the statement of Halki Bai, mother of the deceased on 14.12.2019. According to the complainant, the petitioner verbally and physically abused the deceased as he was not satisfied by the gifts received in Dowry. According to the prosecution, the petitioner complained that the goods received were old and he wanted the family of the deceased to give money or brand new gifts.

7. It is further submitted on behalf of the petitioner that PW-1, the mother of the deceased has already been examined and her testimony is full of improvements. 3 other prosecution witnesses have been examined. PW-3 was her brother whose testimony is based on hearsay.

8. The petitioner has been regularly appearing before the Trial Court. He was granted Interim bail for almost two years and he has never breached the terms of the Bail. His Regular Bail was dismissed by the learned Trial Court



on 31.03.2023 and the second Bail was dismissed on 19.03.2024.

9. The petitioner undertakes to abide by the terms and there is no likelihood of his tampering with the evidence. He is also not of flight risk. Hence, the prayer has been for grant of Bail.

10. The Status Report has been filed on behalf of the State which is taken on record, wherein it is submitted that four Prosecution Witnesses have already been examined and the next date is 19.10.2024. The Bail is opposed on the ground that the petitioner may tamper with the evidence or influence the witnesses. Moreover, allegations against other family members have also been made, which are yet to be verified.

11. Learned APP has argued that the offences involved in the present case are grievous and also grave and the death of the deceased happened within seven years of marriage and the Bail is thus opposed.

12. **Submissions heard.**

13. The petitioner is in judicial Custody since 06.12.2019. The Charges were framed in 2021 and since then only four prosecution witnesses have been examined. The accused was on Interim Bail for approximately two years during which period the testimony of the witnesses was recorded the trial may take a long time to get concluded . Further, as submitted by the learned counsel for the petitioner that this reflects that no influence has been exercised by him on any of the Prosecution Witnesses.

14. In view of the circumstances, the petitioner is admitted to Bail on the following conditions:-

a) The petitioner/accused shall furnish a personal bond of Rs.25,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.



- b) The petitioner/accused shall appear before the Court as and when the matter is taken up for hearing.
 - c) The petitioner/accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number, without prior intimate to the Investigating Officer concerned.
 - d) The petitioner/accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - e) The petitioner/accused shall not change his residential address and in case of change of the residential address, the same shall be intimated to this Court, by way of affidavit.
15. The copy of this Order be communicated to the concerned Jail Superintendent as well as to the learned Trial Court.
16. The application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 3, 2024/PT