

CRM-M-53562-2024

-1-

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53562-2024

Date of Decision:- 07.01.2025

Shivam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Ameesha Goel, Advocate for
Mr. Siddharth Sharma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Shivam has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 573 dated 19.12.2022 under Section 302, 34 of IPC and subsequently added Section 304-B of IPC registered at Police Station Dabua, Faridabad, Haryana.

2. Facts of the case are complainant Jaswant Singh gave his statement that his daughter Meena age about 25 years got married with Shivam i.e. present petitioner on 28.11.2021. On 18.12.2022, he received information that his son-in-law Shivam, his sister Meenu, father Hem Singh strangled his daughter Meena to death who was 8 months pregnant. Complainant further alleged that Shivam used to beat his daughter everyday and this fact was told to him by his daughter. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that earlier FIR was

lodged under Section 302 and 34 of IPC. There were no allegations regarding maltreatment for demand of dowry. Offence under Section 304-B of IPC was added subsequently without any basis. In-fact, deceased victim did not want to live in matrimonial home and they had shifted to rented accommodation in Dabua, Faridabad where they were living with sister and brother-in-law of petitioner. Victim used to suffer from fits and she was suggested for treatment. Most of the time she lived in her parental house in Uttar Pradesh. She lived in matrimonial home for a very short duration. Deceased victim believed in some tantrik baba and was wearing sacred threads. Petitioner was not present in the house when alleged incident took place. He had gone out for domestic work and when he returned home at about 02:00 pm, he found victim lying unconscious on floor. It was petitioner who had called police. Now petitioner is behind the bars for last two years. Only two prosecution witnesses have been examined. Trial is going at a slow pace. Petitioner is ready to abide by terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State, who has filed detailed status report alongwith Postmortem Report (Annexure R-1) which shows that victim was pregnant. As per Postmortem Report, opinion of doctor regarding cause of death is as under :-

“Constriction force over neck as a result of strangulation, homicidal in manner. However, viscera have been preserved for chemical analysis to rule out any intoxication.”

Present petitioner is main accused. Material witnesses are yet to be examined. Considering the gravity of offence and manner in which it

has been committed, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. Petitioner was arrested on 19.12.2022. Challan was presented on 03.03.2023. Charges were framed on 10.05.2024. At present case is pending for prosecution evidence. Till date one witness has been examined.

In this case, victim got married with petitioner on 28.11.2021 and alleged occurrence took place on 18.12.2022. It is not disputed that at the time of occurrence, victim was 8 months pregnant. Alleged occurrence took place in matrimonial home. It is a case of unnatural death. Postmortem Report is Annexure R-1 showing cause of death as a result of strangulation, homicidal in manner. Prosecution evidence is under progress. Considering the gravity of offence and alleged manner in which it took place, I do not find it appropriate to grant regular bail to petitioner at this stage. Therefore, present petition filed by petitioner is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

07.01.2025

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No