

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc.No. M-9298 of 2014

Date of Decision:- 29.4.2014

Ishwar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present:- Mr.Anshuman Dalal, Advocate for the petitioner.

Mr.H.S.Deol, Addl. AG Haryana for the respondent-State

Mehinder Singh Sullar, J. (Oral)

Petitioner Ishwar Singh son of Suraj Bhan (father-in-law), has preferred the instant petition for the grant of concession of regular bail, invoking the provisions of section 439 Cr.PC, in a case registered against him along with his other main co-accused, namely, Sonu (husband), Bimla (mother-in-law), Mukesh, brother-in-law (Jeth) and Neeraj, sister-in-law (Jethani) of deceased Shabnam alias Sanju, vide FIR No.264 dated 29.8.2013, for the commission of an offence punishable u/s 304-B read with section 34 IPC by the police of Police Station Kalanaur, District Rohtak.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. Precisely, the prosecution claimed that the marriage of Shabnam alias Sanju d/o complainant Kasturi Devi, was solemnized with main accused Sonu in the month of April, 2007, according to Hindu rites

and ceremonies. On 25.8.2013, Shabnam alias Sanju died an unnatural death. It was claimed that soon before her death, the accused had treated her with cruelty in connection with and on account of demand of dowry.

5. It is not a matter of dispute that, initially, the case was registered against Sonu (husband) and Ishwar Singh & Bimla (parents-in-law), Mukesh, brother-in-law (Jeth) and Neeraj, sister-in-law (Jethani) of the deceased. During the course of investigation, Bimla (mother-in-law), Mukesh, brother-in-law (Jeth) and Neeraj, sister-in-law (Jethani) were found innocent and were exonerated by the police. After completion of the investigation, the final police report (challan) was submitted only against main accused Sonu (husband) and petitioner Ishwar Singh (father-in-law). Very vague and general allegations of demand of dowry, cash and motorcycle are assigned to the petitioner. He is father-in-law of the deceased and he was not going to be benefitted, in any manner, from the demand of motorcycle and cash by the husband of the deceased. Neither any specific role nor particular instance of demand of dowry are assigned to the petitioner. All the allegations of demand of dowry are attributed to main accused Sonu (husband) (non-petitioner). In that eventuality, whether all the essential ingredients of indicated offence are complete against the petitioner or not, inter-alia, would be a moot point to be decided during the course of trial by the trial Court.

6. Be that as it may, the petitioner was arrested on 5.11.2013. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since, not even a single witness has yet been examined by the prosecution, so, the final conclusion of trial will naturally

take a long time.

7. In the light of aforesaid reasons, taking into consideration the totality of the facts & circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

8. Needless to mention that nothing observed here-in-above would reflect on the merits of the main case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for regular bail only.

29.4.2014
AS

Sd/-
(Mehinder Singh Sullar)
Judge