

HRSO010157312023



Presented on : 08-12-2023
Registered on : 08-12-2023
Decided on : 12-12-2023
Duration : 0 years, 0 months, 4 days

IN THE COURT OF
Additional District and Sessions Judge, Fast Track Court, Sonipat
AT Sonipat, Sonipat
(Presided Over by Sh. Salender Singh)

BA/3673/2023

Sunil S/o Krishan R/o Village Sanpera, Tehsil Ganaur, District Sonipat.

.....Applicant-accused.

Versus

State of Haryana

....Respondent.

FIR No.45 dated 15.02.2023.
U/s(s); 498-A,406,328,304B,302,34 IPC &
15(2) (3) of Indian Medical Council Act.
Police Station, HSIIDC Barhi (Sonipat).

2nd bail application under Section 439 of Cr.P.C.

Present : Shri Pramda Tushir, Advocate for applicant-accused.
Shri Pardeep Boora, Ld. Public Prosecutor for the
State/respondent.

ORDER:

1. This order of mine shall dispose of second bail application filed by applicant/accused Sunil in case FIR No.45 dated 15.02.2023, under Sections 498-A, 406, 328,304-B,302 read with Section 34 of Indian Penal

Code and 15(2)(3) of Indian Medical Council Act, Police Station, HSIIDC Barhi (Sonipat).

2. Notice has been issued to respondent-State and reply has been filed. The investigating officer through his reply also submitted that no other bail application is pending in any court of law except the present one. Both the parties have been heard and material collected by the police perused.

3. Brief facts of the prosecution case are that on 15.02.2023, complainant Mahabir S/o Vishnu moved a complaint alleging therein that he is resident of Village Patti Barhaman and he got married his daughter on 23.11.2020 with Sunil S/o Krishan R/o Village Sanpera (applicant/accused) and he has given dowry in the marriage as per his capacity. It is further averred that her-in-laws were not happy with the dowry articles given in the marriage and his daughter's mother-in-laws and sister-in-laws demanded motorcycle and started taunting her as she was unable to hear and telling something. On 15.08.2021, his daughter's mother-in-laws and sister-in-law have given beatings to her and thrown his daughter out of home. Thereafter on 16.11.2021, they went there with Panchayat and gave them Rs. 1,00,000/- and told her in-laws that they have no further capacity to give dowry. But the accused were adamant and usually used to beat his daughter. On 14.02.2023, his daughter called him and told that her sister-in-law and mother-in-law and her husband have given beatings to her and wants to give her poisonous substance. Thereafter, on 15.02.2023, he received call from Aarti that his daughter health has deteriorated and when he reached at Agarwal Hospital at about 5:30PM,

they saw that his daughter has died and he was informed that due to some injection, she has died. Thereafter, he asked the name of injection then they stated Artacil Injection which was not injected usually to any patient. It is further averred that due to high doses of drugs his daughter died. He stated that this injection was bought by his daughter's mother-in-law, husband and sister-in-law from somewhere to kill his daughter. It was requested to take appropriate legal action against the accused.

4. Learned counsel for applicant-accused has strongly argued that a false case has been registered against applicant-accused despite the fact that he was never involved in any such offence. It is further argued that investigation in this case has already been completed and challan has been presented before the court. It is further argued that on the direction of the court, the case has been re-investigated and during polygraph examination of the applicant/accused was done and nothing suspected against the applicant/accused was found and in this regard supplementary challan has been filed. It is further argued that applicant-accused is in judicial custody since the date of his arrest i.e. 18.02.2023 and his further incarceration is not required. It is further argued that no useful purpose would be served by detaining the applicant/accused in custody any further as trial of the case will take sufficient long time. At the fag-end it is argued that applicant-accused may be released on bail on the ground of parity.

5. Per contra, learned Public Prosecutor for the state has strongly argued that there are serious and specific allegations against applicant/accused. It is further argued that though main challan as well as supplementary challan

has been presented but the statements of the complainant and other independent witnesses are yet to be recorded and in case applicant/accused is released on bail then he can tender threats to the complainant and other prosecution witnesses and he can flee from justice by absconding himself. Hence, dismissal of the bail application has been prayed for.

6. I have heard learned counsel for applicant/accused as well as learned Public Prosecutor and have gone through the file minutely and meticulously.

7. After hearing both the sides at length, I find substance in the submissions of learned counsel for applicant/accused. Perusal of case file reflects that on the directions of the court, the matter was re-investigated and during polygraph examination of the applicant/accused, nothing suspected against the applicant/accused has come on record and in this regard, supplementary challan has been filed. Applicant/accused is continuing in judicial custody since 18.02.2023. As applicant/accused is no more required for further investigation and trial of the case would take sufficient long time, therefore, no useful purpose would be served by detaining the applicant/accused behind the bars any further. Hence, without commenting on the merits of the case **the second bail application stands allowed** and applicant/accused is ordered to be released on bail on his furnishing the bail bonds in the sum of Rs.1,00,000/- with one local surety in the like amount to the satisfaction of this court with conditions that applicant/accused shall not influence prosecution witnesses by giving any threat or pressure or inducing them in any manner and

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he is further directed that he shall not leave country without any prior permission of the court. Papers be attached with the main case file.

Announced: 12.12.2023

(Salender Singh)
Addl. Sessions Judge,
Fast Track Court,
Sonapat (UID No. HR0493)

Note: This order consists five pages and all the pages
have been checked and signed by me.

(Salender Singh),
Additional Sessions Judge,
Fast Track Court, Sonapat.
Sonapat 12.12.2023 (UID No. HR0493)

Ashok Kumar
Stenographer GI.