



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42396-2024 (O&M)

Reserved on: 27.11.2024

Date of Pronouncement:- 09.01.2025

TENPAL

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. D.S.Matya, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN, J.

1. This is the 2nd petition under Section 483 of the '*Bharatiya Nagarik Suraksha Sanhita*, 2023 Cr.P.C.' for grant of regular bail to the petitioner in case FIR No. 573, dated 05.12.2022, registered at Police Station Palam Vihar, District Gurugram, under Sections 498-A, 304-B and 406 IPC read with Section 34 thereof (Section 34 IPC was deleted later on). The first petition filed by the petitioner before this Court was dismissed as withdrawn, vide order dated 24.01.2024 (Annexure P-9).

2. As per the prosecution version, on 04.12.2022 upon receiving an information about the commission of suicide by the victim by hanging herself in Village Mulahera, the police officer reached at the spot and also called Scene of Crime Team at the spot. On 05.12.2022, the statement of



the complainant (brother of the victim) was recorded. As per the version of the complainant, the marriage of the victim was solemnized with the petitioner on 21.04.2022. Soon after the marriage, the victim was being harassed and maltreated by the petitioner-husband and his relatives for demand of dowry. Due to the said atrocities, the victim committed suicide by hanging herself. The petitioner is in custody since 04.12.2022 facing the charges under Sections 498-A, 304-B and 406 IPC.

3. Learned counsel for the petitioner *inter alia* submits that the investigation is complete. Final report ('*challan*') under Section 173 Cr.P.C. has already been presented and the charges have been framed by the trial Court. The statement of the complainant has also been recorded. The petitioner is in custody since 04.12.2022

3.1 It is further contended that the petitioner has been falsely implicated in this case. The first marriage of the deceased was solemnized with a person namely Udham Singh on 20.12.2018. However, a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955, was passed within a period of 02 years and the said marriage was dissolved. The deceased managed to receive a sum of ₹3,75,000/- from her first husband.

3.2 It is also contended that the deceased was having an extra-marital affair with a person, namely Bhura and therefore, even her first marriage stood dissolved as the previous husband of the deceased came to know about the said relationship.

3.3 It is further contended that the deceased was compelled to solemnize the marriage with the petitioner and even the factum of previous marriage and the dissolution thereof was never informed to the petitioner.



The petitioner also came to know about the extra-marital affair of his wife. The deceased used to remain depressed, as such she consumed the poison on 27.07.2022. The petitioner confronted his wife about the extra-marital affair, however, the relatives intervened and a compromise note (Annexure P-7) was reduced into writing.

4. Learned counsel for the State has opposed the present petition, on the ground of gravity of allegations against the petitioner. However, the State counsel has informed that 12 out of total 20 prosecution witnesses have already been examined but the FSL report is awaited.

5. I have considered the aforesaid submissions and perused the paper-book.

6. The victim had committed suicide within a period of 8 months of her marriage. The marriage was solemnized on 21.04.2022 and the victim died on 04.12.2022. It has also been noticed that even prior to the commission of suicide, the victim had made an attempt to commit suicide and this fact is duly reflected in the application moved to the Station House Officer (Annexure P-4). As per the said application which is allegedly signed by the victim and by various other persons, on 27.07.2022 Shalenderi (victim) had consumed some intoxicant medicine due to family dispute. The victim is alleged to have been treated in Sidhi Vinayak Hospital. A compromise was allegedly effected between the parties and an assurance has been given that such trouble would not be created in future.

7. It has also been noticed that on 01.12.2022 (three days prior to the occurrence), an application was given by Lakhmi Chand (father of the petitioner) to the Senior Superintendent of Police, Bulandshahar (Annexure



P-5), whereby the father-in-law of the victim has stated that the behaviour of their daughter-in-law was not good towards them. Therefore, daughter-in-law (victim) was quarreling and insisting to reside along with her husband Tenpal (petitioner) at Gurugram.

8. Keeping in view the fact that the victim had committed suicide within 08 months of her marriage, at the time of alleged occurrence, she was residing with the petitioner-husband; there was also a previous attempt by the victim to commit suicide, it is observed that the allegations are serious in nature. There is no medical evidence relied upon by the petitioner that the victim was suffering from depression. The allegation that the victim had an extra-marital affair is yet to be proved.

9. Keeping in view the gravity of the allegations against the petitioner, no ground is made out to release the petitioner on regular bail.

10. Consequently, the present petition stands dismissed.

11. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be taken up by the learned trial Court wholly on the basis of evidence led/gathered before it.

12. Pending miscellaneous applications, if any, also stand disposed of.

January 09, 2025
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(HARPREET KAUR JEEWAN)
JUDGE

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| Whether Speaking | Yes |
| Whether Reportable | No |