

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

Crl. Misc. No.M-27150 of 2015

Date of Decision: 06.10.2015

Gurnam Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. A.P.S. Randhawa, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State.

Mr. B.S. Bajwa, Advocate
for the complainant.

DAYA CHAUDHARY, J.

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in complaint case No.37 dated 22.07.2010 registered under Sections 498-A/304-B/120-B IPC at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved. He was serving in Indian Army and just after a week of his marriage, he joined his duties and as such, there cannot be any possibility of his being involved in the commission of offence.

Learned counsel for the petitioner submits that all family

members of the petitioner have been implicated in the case, whereas, there was no specific role of demand of dowry or harassment thereof. The matter was investigated into by the police and as they were not found to be involved, the cancellation report was presented in the Court. The allegations against the petitioner were also investigated and he was not found to be involved. Learned counsel further submits that co-accused of the petitioner, who are his sister and father, have already been granted anticipatory bail.

Learned counsel for the respondent-State submits that the petitioner is not entitled for bail keeping in view the seriousness of offence and role of the petitioner.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Apex Court in case ***Union of India vs V. Sriharan @ Murugan and others 2014(2) RCR (Criminal) 416***, in support of his contentions.

Learned counsel for the respondent-State submits that as per orders passed by this Court on 01.04.2015, the petitioner was directed to surrender before the trial Court on or before 10.04.2015 and to move application for regular bail, which was to be decided as expeditiously as possible, preferably within a period of three days and till that date, the petitioner was not to be arrested.

Heard the arguments of learned counsel for the parties and have also perused the allegations levelled in the complaint.

Admittedly, this is the second bail application under Section 439 of the Code of Criminal Procedure as the petitioner earlier approached this Court by way of filing ***CRM-M No.10734 of 2015***, wherein, the following order was passed :-

“ Learned counsel for the petitioner contends that

earlier in the FIR, a cancellation report was submitted but now he is being summoned on a complaint. FIR was registered in 2009 and Court has summoned him to appear now after five years.

Notice of motion for 25.05.2015.

In the meantime, if the petitioner surrenders and appears before the trial court on or before 10.04.2015 and make prayer for regular bail, the same shall be decided as expeditiously as possible preferably within a period of three days. Till then, the petitioner shall not be arrested.”

As per said order, the petitioner was to surrender before the trial Court on or before 10.04.2015 and regular bail application was to be moved, which was to be decided by the trial Court within a period of three days and till the said date, the petitioner was not to be arrested. However, in spite of specific directions, the petitioner did not surrender before the trial Court and thereafter, he was arrested. The petitioner is the main accused and husband of the deceased. Proclamation was issued against him as his presence was not procured in the ordinary course by the Summoning Court. The Additional Sessions Judge, Amritsar has also dismissed his application, keeping in view the seriousness of offence and also the fact that he may abscond or try to threaten and win over the prosecution witnesses. In **CRM-M No.17095 of 2015**, nobody appeared for the petitioner and it was observed by the Court that on the earlier date also, nobody had appeared on behalf of the petitioner and ultimately the said petition was dismissed for want of prosecution vide order dated 17.07.2015.

In the earlier petition filed by the petitioner i.e **CRM-M No.17095 of 2015**, notice of motion was issued on 29.05.2015 for 09.06.2015. However, on 09.06.2015, when the case came up for hearing,

learned counsel appeared for the petitioner took time to produce the petitioner and hence, the case was adjourned to 01.07.2015 but on 01.07.2015, neither the petitioner was present nor his counsel and the case was adjourned to 17.07.2015. Thereafter on that date also i.e 17.07.2015, neither the petitioner nor his counsel was present and the petition was dismissed for want of prosecution.

However, keeping in view the conduct of the petitioner i.e. in spite of giving various opportunities, he did not appear and even was not represented through his counsel, his petition was dismissed for want of prosecution and nothing has been brought to the notice of this Court as to why the petitioner could not be produced; the offence as well as the custody period, stage of the case as the evidence is being recorded, no ground is made out to grant regular bail to the petitioner.

There is no merit in the contentions raised by learned counsel for the petitioner and the petition, being devoid of any merit, is hereby dismissed.

06.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE