

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

Crl. Misc. No.M-19539 of 2015

Date of Decision: 11.01.2016

Balbir Chand alias Bira

....Petitioner

Versus

State of Punjab

....Respondent

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:- Ms. G.K. Mann, Advocate
for the petitioner.

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

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case, FIR No.57 dated 26.02.2013 registered under Section 304-B of the Indian Penal Code at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is un-married brother-in-law of the deceased and has been implicated on the basis of general allegations. Petitioner has nothing to do with the demand of dowry or any harassment. Learned counsel further submits that on the same set of allegations, co-accused of the petitioner, namely, Ashok Kumar and Amarjit, who are also brother-in-law of the deceased, have been

released on regular bail by this Court on 25.04.2014 and 28.11.2014, respectively. She further submits that the bail of the petitioner was dismissed only on the ground that he was declared as a proclaimed offender, whereas, he himself surrendered before the trial Court on 06.04.2015 and since then, he is in custody. The main accused, who is husband of the deceased, is behind bars and mother-in-law has been declared as a proclaimed offender.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Apex Court in case **Major Singh and another vs State of Pnjab 2015 AIR (SC) 2081**, in support of her arguments.

Learned counsel for the respondent-State has not disputed the custody period of the petitioner as well as bail granted to co-accused Ashok Kumar and Amarjit and also the fact that the main-accused i.e husband of the deceased is behind bars.

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

Admittedly, the petitioner is un-married brother-in-law of deceased-Sukhwinder Kaur @ Sukhi and is in custody since 06.04.2015; on the same set of allegations, his co-accused, namely, Ashok Kumar and Amarjit have been released on regular bail and the main accused is behind bars, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

11.01.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE