

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-44790 of 2016
Date of Decision: 3.2.2017

Harpal Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. J.S.Dadwal, Advocate
for the petitioner

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 30 dated 27.1.2016 for offence punishable under Sections 304-B and 120-B of the Indian Penal Code (in short "IPC") registered at Police Station, Focal Point, Ludhiana.

Counsel for the petitioner has submitted that the petitioner is in custody since 29.1.2016. It is further submitted that the alleged victim Amit Kumari went missing on 21.1.2016 and a missing report by way of DDR was recorded. The dead body of the victim was recovered from canal on 27.1.2016. Since marriage of the victim with the petitioner for the past two years before the occurrence, neither the victim nor her parents ever raised any allegations with regard to demand of dowry or harassment/cruelty to the deceased on account of said demand. Even with effect from 20.1.2016 till lodging of FIR, no such report was made. It is argued that the petitioner is ready to face proceedings, in accordance with

law without any default and he is no longer required for custodial interrogation as trial is in progress.

Counsel for the State has opposed the plea for bail with the submissions that the victim died an unnatural death during her stay in the matrimonial home within a period of seven years of her marriage. The petitioner being the husband is not entitled to be enlarged on bail. It is further submitted that every effort would be made by the prosecution to ensure presence of the witnesses on the dates to be fixed by the trial court.

I have heard counsel for the parties and perused the paper book.

The petitioner is the husband of the victim who performed marriage just about two years prior to the occurrence and in law, husband has an obligation to explain the circumstances specifically to his knowledge as to why his wife decided to take the extreme step of eliminating herself at a young age. Taking into consideration the gravity of allegations against the petitioner, I do not think it to be a fit case wherein the petitioner deserves to be enlarged on bail.

Dismissed.

However, nothing stated in this order shall prejudice the petitioner in the pending trial. The trial court shall put its best efforts to conclude evidence of the prosecution expeditiously.

(Rekha Mittal)
Judge

3.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No