

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

**CRM No.M-5756 of 2017
Decided on: 17.04.2017**

Balkar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Vivek K. Thakur, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.90 dated 13.10.2016, for offence punishable under Section 304-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC') registered in Police Station Bholath, District Kapurthala.

Counsel for the petitioner has submitted that the petitioner is the father-in-law of deceased Manjit Kaur whose marriage was solemnized with Lakhwinder Singh about 04 years prior to the unfortunate occurrence on 13.10.2016. As per the allegations raised in the FIR, the deceased was being harassed by her husband, father-in-law and mother-in-law for the past one year that she had not brought a car and other dowry articles in the marriage. It has further been alleged that husband of the deceased had been demanding Rs.10 lacs for going abroad. She was also being taunted for not conceiving a child. It is

further argued that the police conducted a detailed enquiry in which statements of several persons from village Bhatnura Khurd as well as parents of the deceased were recorded and eventually, it was concluded that it was not a case of dowry death. Rather on 12.10.2016, Lakhwinder Singh came to the house late at night after consuming liquor, there was altercation between the husband and wife. Lakhwinder Singh was in the habit of abusing and misbehaved with Manjit Kaur that caused tension to Manjit Kaur. It is further argued that the same allegations have been levelled against Smt. Swaran Kaur, mother-in-law of the deceased but she has been declared innocent during enquiry and no challan has been presented against Swaran Kaur, on completion of investigation. The last submission made by counsel is that challan has already been presented in the Court but conclusion of the trial may take long time and the petitioner is ready to face proceedings subject to the conditions that may be imposed by this Court.

Counsel for the State would urge that Surinder Kaur, mother of the deceased made a supplementary statement that the present petitioner wanted to develop illicit relations with deceased – Manjit Kaur. It is further argued that Manjit Kaur died an unnatural death within 04 years of her marriage and at the time of incident she was staying in her matrimonial home. The deceased stayed at her parental home for few months, sufficient to prove that she was being harassed by her husband and his parents-in-law.

I have heard counsel for the parties, perused the paperbook and the police records.

The complainant has alleged that on 13.10.2016 at about

07:00 am she had a telephonic conversation with the deceased and she told the mother that her husband had given her beatings in the night. It has further been alleged that when the complainant visited Neelam Sharma Memorial Hospital, Buttar where the deceased was admitted, she disclosed to her that she was administered some poisonous substance by her husband and parents-in-law. As per the post-mortem report, no injury was noticed on any part of the body of the deceased either as a result of physical assault/beatings on the previous night or administering poison by the husband and his parents. Counsel for the State has not disputed that in the enquiry conducted by the police, finding was recorded that the present is not a case of dowry death. It has also been found in the enquiry that Balkar Singh, father-in-law has got an FDR in the sum of Rs.10 lacs in Central Bank, Buttar and in the said fixed deposit receipt Lakhwinder Singh and Manjit Kaur were made as nominees. Challan has already been presented in the Court; conclusion of the trial is likely to take its own time as none of the witnesses has been examined till date.

Without dilating further lest it may cause prejudice to either of the parties during course of trial, bail to the petitioner subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade his/her from disclosing such facts to the Court or to any police officer;*
- and*

(ii) *He shall not leave India without the previous permission of the Court.*

17.04.2017
yakub

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No