

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

**Crl. Misc. No.M- 14733 of 2018
Date of decision : 13.07.2018**

Kashmir Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Anterpreet Singh Brar, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Ms. Promila Nain, Advocate for the complainant.

ANITA CHAUDHRY, J.(ORAL)

The petitioner is seeking regular bail in FIR No. 25 dated 18.02.2017, registered under Sections 304-B/306 of IPC, Police Station Phillaur, District Jalandhar.

Counsel for the petitioner contends that the petitioner is in custody since 20.02.2017 and the complainant and her husband has been examined in chief and thereafter an application under Section 319 Cr.P.C. was filed. The counsel says that the petitioner was working abroad and he used to visit India once a year and in January 2011 an incident had occurred regarding which he had made a complaint to the police and the call was also

made by the petitioner to the parents of the deceased and an inquiry was conducted. The counsel states that the deceased was meeting a boy and that fact came to the notice of the family and thereafter she returned to her parent's house and came back to the matrimonial home and committed suicide and it was not a dowry death. The counsel further submits that only the husband and father in law were challaned and the mother in law was found to be innocent and the child is with the mother of the petitioner and there is no previous complaint.

The counsel for the complainant as well as the State have opposed the prayer. The counsel for the complainant states that the complaint which was given to the police is manipulated and thereafter, the girl has been done to death and the police was helping the petitioner and no medical was got done by any member relating to the incident of January 2011.

The State counsel informs that an application under Section 319 Cr.P.C. had been filed, which is pending since December 2017 and has not been disposed of yet.

The trial would take time. There is no suicide note. The unfortunate incident had taken place after six years of marriage. The zimni orders have been placed on record. The trial is not proceeding. The trial Court has adjourned the matter almost half a dozen time only for consideration on the application filed under Section 319 Cr.P.C. Considering the entire circumstances but without commenting on the merits of the case, the petition is allowed and the petitioner is directed to be

released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/duty Magistrate subject to the condition that the petitioner would surrender his passport and would not travel abroad till the trial is over.

13.07.2018
Sunil

(ANITA CHAUDHRY)
JUDGE

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