

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

Criminal Misc. No.M-18024 of 2017(O&M)

Date of Decision:May 01, 2018.

Tarsem Lal

Petitioner

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Narinder Lucky, Advocate
for the petitioner.

Mr. D.S.Sukarcharkia, DAG., Punjab.

Mr. Manish Dadwal, Advocate
for the complainant.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.253 dated 09.11.2013, under Section 304-B IPC, registered at Police Station Division No. 03, Jalandhar.

As per allegations in the FIR, marriage of the complainant's daughter was solemnized with the petitioner's son on 20.07.2013. The petitioner's son left for Saudi Arabia after 25 days of the marriage. The deceased was living with the petitioner and his wife. Allegations of ill-treatment and harassment for bringing insufficient dowry are specifically raised in the FIR. The complainant's daughter ultimately died due to poisoning on 09.11.2013. She was residing with her in-laws i.e. the petitioner and his wife at the time of the unfortunate incident.

Learned counsel for the petitioner submits that there are no specific allegations against the present petitioner. Moreover, the petitioner's son is suffering from a kidney problem and transplant of kidney has been recommended

by PGIMER, Chandigarh. The concession of interim bail was afforded to the petitioner for conducting the necessary tests. The petitioner is found to be an eligible donor of a kidney for his younger son. The petitioner surrendered before the Jail Authorities on 22.03.2018 in compliance with order dated 16.03.2018. The petitioner did not misuse the concession of interim bail afforded to him. The petitioner is not being taken to PGIMER, Chandigarh as and when called for the necessary medical tests despite requests made to the jail authorities. It is thus prayed that this petition be allowed.

Heard learned counsel for the parties.

It is brought to the notice of this Court that the co-accused i.e. the petitioner's son and wife have been declared proclaimed offenders. They have not submitted to the process of law. The petitioner is facing trial. It is not denied that the complainant's daughter was residing with the petitioner and his wife at the time of the unfortunate incident. Her death took place within a short span of four months of marriage.

Learned counsel for the State, on instructions from ASI Vijay Kumar, informs that out of 26 prosecution witnesses, 07 have been examined and 05 of them have been given up. Material witnesses including the complainant have been examined. The remaining witnesses are official/formal witnesses only.

Keeping in view the above, I do not find any ground whatsoever to afford the concession of bail pending trial to the petitioner.

However, keeping in view the peculiar facts and circumstances of the case, it is directed that the trial in this case be concluded within four months from the date of receipt of certified copy of this order. It is further directed that as and when the petitioner is required at PGIMER, Chandigarh for conducting any

tests in regard to transplant of kidney of his younger son, jail authorities will ensure that the petitioner be taken to PGIMER, Chandigarh for the said purpose. In case, any date is given by the PGI authorities for the kidney transplant, necessary arrangements shall be made by the jail authorities to take the petitioner for the said purpose in custody.

Petition is accordingly disposed of.

01.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.