

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

Crl. Misc. M-20585 of 2018 (O&M)
Date of Decision: November 14, 2018

Tejinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saurav Bhatia, Advocate for
Mr. S.S. Rangi, Advocate
for the petitioner.

Ms. Rajni Gupta, Senior DAG Punjab.

Mr. P.S. Baidwan, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

Learned counsel for the petitioner, at the very outset, submits that in the headnote as well as in the prayer clause inadvertently Section 120 of IPC has been mentioned instead of Section 120-B of IPC. He seeks permission to make the necessary correction in the court itself.

Permission is granted to make the necessary correction under his signatures.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.35 dated 14.05.2017, under Section 306 of Indian Penal Code (later on added

Sections 304-B, 313, 506, 354-C, 120-B of IPC) registered at Police Station Bakhshiwala, District Patiala.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.05.2017. It is argued that the marriage between the petitioner and the deceased was a love marriage, but the said marriage was never accepted by the parents of the deceased, since the petitioner herein belonged to Scheduled Castes. It is submitted that the deceased was living in her parental home since 17.03.2017 and died on 14.05.2017. In the postmortem report it is mentioned that ligature marks in the form of reddish brown abrasions were present around the neck as well as on the left cheek below left angle of mouth, which shows that in fact, the deceased was given beatings before her death by her parents and the alleged suicide note was got written from the deceased under pressure. It is also contended that out of total 22 witnesses, complainant and the other material witnesses have been examined and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant oppose the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. It is argued that the deceased was harassed and also given beatings on account of demand of dowry regarding which an FIR was registered under Sections 323, 498-A of Indian Penal Code.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 14.05.2017 and that complainant and the material witnesses have been examined, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond in the sum of ₹ 1 lac with one surety in the like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, it is made clear that in case, the petitioner does not put in appearance even on one occasion before the trial court, this order granting regular bail to the petitioner shall stand automatically vacated.

November 14, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No