

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

**CRM-M-3261-2018
Date of decision: 02.02.2018**

Joginder Pal Yadav

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P. S. Ahluwalia, Advocate,
for the petitioner.

Mr. A. S. Sandhu, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 185 dated 14.05.2017, under Sections 304-B and 302 of the IPC, registered at Police Station Zirakpur, District S.A.S. Nagar.

Counsel for the petitioner contends that the aforesaid FIR was registered on the statement of Ramesh Kumar in which he had stated that his daughter Vandana had died as she had been made to eat some poisonous substance. Later on, a statement had been made by the complainant that his daughter had been killed on account of demand of dowry by making her consume some poisonous substance or by strangulation. It is further argued that the viscera report does not reflect any poison and similarly the post-mortem report dated 15.05.2017 indicates no ligature mark. The Medical Board has opined that the cause of death is due to 'cardio-pulmonary arrest due to pulmonary edema'. Counsel for the petitioner also contends that the very statement of the complainant stands

belied by the medical record which has been produced.

Per contra, learned counsel for the respondent-State opposes the grant of regular bail to the petitioner by submitting that there was a demand of dowry and, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties and have also perused the medical record and the statements of the complainant.

In view of the fact that the petitioner is in custody since 16.05.2017 and the trial is likely to take some time since as on date only the complainant has been examined, no useful purpose would be served in keeping the petitioner in custody furthermore. Hence, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

02.02.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No