

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

CRM-M-33497-2018

Date of decision:-20.9.2018

Devender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sanjay Vashisth, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Ms.Jaideep Kaur, Advocate
for the complainant.

H.S. MADAAN, J.

This second petition for regular bail has been filed by petitioner – Devender Singh – an accused in FIR No.300 dated 29.4.2016, under Sections 120-B, 304-B, 328 IPC (Section 302 added later on), registered with Police Station Sirsa City, District Sirsa.

Briefly stated, the facts of the case, as per the prosecution story, are that Amandeep Kaur daughter of late Baldev Singh was married with accused Devender Singh (present petitioner) on 27.3.2011; that at the time of marriage, her family had given dowry articles beyond their capacity, but after one year of the marriage, a dispute had arisen between

Amandeep Kaur and her husband with regard to demand of dowry; that Amandeep Kaur used to be given beatings in connection with demand of dowry; that Amandeep Kaur had given birth to a daughter; that she was turned out of the matrimonial home when demands of the accused for more dowry articles could not be met, however, subsequently due to efforts made by her relatives, she returned to the matrimonial home but her maltreatment at the hands of her husband continued; that on 29.4.2016 at about 11:25 a.m., Kashmir Singh - complainant, a paternal uncle of Amandeep Kaur received a telephonic message and Amandeep Kaur had informed him that he should take her away since her in-laws family comprising her *JETH* (husband's elder brother) Lakhwinder alias Ladda, *JETHANI* (husband's elder brother's wife) Paramjeet alias Pammi, other *JETH* Pinder, his wife Aman Kaur, father-in-law Santokh Singh and her husband Devender Singh were misbehaving with her and giving beatings to her and that they would kill her; the complainant made a telephonic call to Amandeep Kaur, where she repeated such things; thereafter, Amandeep Kaur died, as a result of consuming poison.

On the basis of statement of complainant Kashmir Singh, formal FIR was registered. Accused was arrested in this case on 4.5.2016. On completion of investigation, challan against the accused was prepared and filed in the Court and presently the accused/petitioner is facing trial. The petitioner/accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Sirsa vide order dated 12.7.2017, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

The allegations against the petitioner are quite serious and grave for which he is facing trial on the charge for the offence under Section 304-B in alternative 302 IPC. His young wife had died in the matrimonial home as a case of poisoning within five years of marriage. Such young married woman would not have committed suicide unless she was driven to the wall and had lost all the hope. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly. The trial against the petitioner is likely to be concluded in near future. If on conclusion of trial it is found that accused is innocent, he would be acquitted but at this stage no case for grant of regular bail to him is made out.

Therefore, finding no merits in the petition, the same stands dismissed.

20.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No