

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

CRM-M-35470 of 2018

Date of Decision: October 22, 2018

Jasbir Singh @ Jassu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Tarun Singla, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH, J.

The brief allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that the marriage between the sister of the complainant deceased Balbiro @ Paramjit Kaur, and the petitioner was solemnized almost 11-12 years ago, out of which couple had given birth to two children, who are minor. It is further alleged that on 25.2.2018, a telephonic call is alleged to have received by the complainant from deceased informing him that her husband was harassing her for demand of dowry and, thereafter, the deceased was found dead under mysteries circumstances by means of strangulation/hanging leading to the registration of the present case and arrest of the petitioner.

Learned counsel for the petitioner contended that it is highly unacceptable that after almost 12 years of the marriage the petitioner would harass the deceased on account of demand of dowry when there is not even an iota of evidence that prior to this allegation there has been any occasion of disaccord between the couple and that it was pure out of mood

swing the deceased had taken the harsh step by hanging herself and that the petitioner is behind the bars for long time.

Learned State counsel on instructions from ASI Rajesh Kumar, P.S. Sadar, Tohana fairly conceded at bar the factual scenario and has further stated that initially allegations under Sections 489-A, 304-B and 34 were levelled against the petitioner by the complainant but subsequently during investigations, these offences stood deleted and offence under Section 306 has been slapped upon the petitioner and has further accepted that prior to this, no allegations have come about on record in the investigations.

Going through the submissions, keeping in view that it is the related stance of both the sides that at no point of time there has been matrimonial disaccord between the parties and that there has been demand of dowry at any point of time. There is no direct evidence against petitioner regarding this death. The petitioner is behind the bars for almost more than seven months and has two minor children to maintain. Culpability, if any, shall be determined at the time of trial and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

October 22, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No