

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

221

**CRM-M No. 47452 of 2018
Date of decision : 2.11.2018**

Harbhajan Singh and another

.....Petitioners

v.

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. H.S. Bath, Advocate, for the petitioners

Mr. Rakeshinder Singh Sidhu, AAG, Punjab

FATEH DEEP SINGH, J. (Oral)

Learned counsel for the petitioners at the very outset has made statement withdrawing the regular bail petition of petitioner No.2-Jaswinder Kaur, mother-in-law of the deceased, at this stage.

Allowed.

Petition is dismissed as withdrawn to that extent only.

A note to this effect be given.

This order shall dispose of first regular bail petition of accused-petitioner No.1; namely; Harbhajan Singh, father-in-law of deceased Inderjit Kaur, in case bearing FIR No. 90 dated 14.4.2018, under Sections 304B and 34 IPC, registered at Police Station Sadar, Phagwara, District Kapurthala, who is in custody since 14.4.2018.

The present case was got registered on the statement of Baljit Kaur-mother of the deceased, wherein she alleged that her daughter was married with Harjinder Singh on 17.1.2018 and on account of ill treatment at the hands of husband and in-laws, including the sisters of the husband, a

matrimonial dispute has arisen between the parties and a compromise was effected on a complaint by the deceased. Thereafter, the deceased was taken back to her matrimonial home. It was further alleged that ill treatment to the deceased did not subside and on 14.4.2018, the deceased died under suspicious circumstances, leading to the registration of the present FIR and arrest of the petitioner.

Learned counsel for the petitioner contends that the petitioner is aged father-in-law of the deceased and no specific role has been attributed to him in the commission of crime in the FIR and that even in the earlier complaint dated 8.3.2018 made by the deceased, he has not been attributed any instance of having harassed the deceased or demanded articles of dowry and that he is behind the bars since more than 6 months and prays for grant of bail to the petitioner.

Learned State counsel, on instructions from ASI Sunil Kumar, PS Sadar, Phagwara, District Kapurthala, does not dispute the factual scenario but has opposed the grant of bail to the petitioner being father-in-law of the deceased and that in view of the heinousness of the offence and seriousness of the allegations, there is every likelihood that the petitioner may stifle the case. Moreover, co-accused Harpreet Kaur and Avinash Kaur, sisters-in-laws of the deceased were already allowed bail.

After going through the submissions of accused side, the very first stand of the deceased taken on 8.3.2018 does not spell any allegations against the petitioner father-in-law Harbhajan Singh. Even in the FIR, there is not even a single instance with details and attribution to the petitioner. The deceased is alleged to have died because of asphyxia and thus, a debatable

issue over her death together with the fact that similarly placed two accused have already been allowed regular bail by this Court vide order dated 11.10.2018 and that the petitioner is behind the bars and trial of the case is not likely to be concluded in near future. The culpability of the crime has to be seen at the time of trial. No useful purpose would be served by keeping the petitioner behind the bars. Therefore, the petition is allowed and petitioner No.1 Harbhajan Singh is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/trial Court.

(FATEH DEEP SINGH)
JUDGE

2.11.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No