

Criminal Misc. No. M- 46904 of 2017 (O&M)

Date of decision : April 16, 2018

Varinder Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Arnav Sood, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 90 dated 11.08.2017 under Sections 306, 34 IPC (Section 304B IPC added later) registered at Police Station Haryana, District Hoshiarpur.

It is contended that the marriage between the petitioner and the complainant's daughter was solemnised on 26.01.2011. Two daughters were born out of this wedlock. There is nothing on record to indicate any kind of ill-treatment or harassment meted out to the deceased by the petitioner in connection with demand of dowry etc. As per the allegations in the FIR, the petitioner is alleged to have illicit relations with another person and used to ask the complainant's daughter for divorce. It is contended that it is debatable whether the ingredients of Section 306 IPC are made out against the petitioner. It is further contended that prima facie no offence punishable under Section 304B IPC or Section 306 IPC is made out against the petitioner. The FIR in question was initially registered under Section 306 IPC and thereafter Section 304B IPC has been added.

Learned counsel for the petitioner further submits that petitioner's daughters are being looked after by his parents. Moreover, the medical evidence on record i.e. Post Mortem Report (Annexure P-3) as well as opinion of the medical Board (Annexure P-5) reveal that no external or internal injury was found present on the person of the deceased. As per the Chemical Examiner's report, no poison was detected in the viscera. As per opinion dated 15.11.2017 (Annexure P-5) of the medical Board, the cause of death could not be ascertained. It is, thus, prayed that this petition be allowed.

Heard, learned counsel for the parties.

Learned counsel for the State, on instructions from ASI Yograj Singh, verifies that final report under Section 173 Cr.P.C. has since been presented. Charge has been framed against the petitioner. The Post Mortem Report and opinion by the medical Board are not in dispute. Learned counsel for the State, at this stage, is unable to point out anything on record to indicate any complaint etc., which may have been submitted in respect to ill-treatment or harassment meted out to the deceased from the year 2011 till the unfortunate incident. It is verified that the petitioner is not involved in any other criminal case. Trial in this case is not likely to conclude in the near future. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just

and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

April 16, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No