

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

CRM M-52044 of 2018

Date of Decision: November 30, 2018

Tejinder Singh		Petitioners
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jasdeep Singh, Advocate for
Mr. S.S. Rangi, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. in FIR No. 41 dated 18.3.2017 under Sections 498-A, 323, 312 and 313 IPC Police Station Fatehgarh Sahib.

The allegations that are sought to be brought about is based on the statement of Kanchan (now deceased) who is alleged to have died on 13.05.2017 (wife of petitioner) wherein she out of love with the petitioner had undergone marriage against the wishes of her parents on 31.08.2016. It is during the course of events, a matrimonial dispute arose between them and it is alleged by the wife that the accused/husband alongwith his family members, the in-laws of the wife had physically assaulted her leading to the registration of the present case, in which incident, she was hospitalised ultimately in Government Rajindra Hospital, Patiala. The petitioner was arrested on 30.10.2017.

Mr. Jagdeep Singh, learned counsel for the petitioner at the very onset has sought to take the refuge to the order of this Court Annexure P2 to bring about the fact that it was a pure love marriage, in which, protection was sought from this Court vide order dated 02.09.2016 and, thus, question of giving 'istridhan' does not sustain and has sought to argue that the wife, subsequently, has died under suspicious circumstances, in which, a separate case by way of FIR No. 35 dated 14.05.2017 under Section 306 (later on added Sections 304-B, 313, 506, 354-C and 120-B) IPC was registered at Police Station Bakhshiwala, District Patiala, in which, the petitioner has been allowed regular bail by this Court by vide order dated 14.11.2018 in which the petitioner has been allowed bail for offence under Section 313 IPC in case got registered at Patiala.

Mr. Dhruv Dayal, Senior DAG, Punjab, on instructions from ASI Gulzar Singh, Police Station Sirhind, District Patiala has opposed the grant of bail in view of the allegations of the petitioner having physically assaulted the wife leading to her abortion and hospitalization and argued that if the petitioner is allowed bail, he would stifle with the fair trial and investigation and in view of the heinousness of the offence, disentitles him to any relief.

Appreciating the submissions of the two sides, it is well elicited from the records that it was a pure love marriage, for which, the couple has taken order of protection from this Court by way of Annexure P-2 and, therefore, the allegations that have sought to come

about in the present case for commission of offences under Sections 498-A and 323 IPC apparently are misconceived. The petitioner has already been allowed bail under Section 313 IPC by order of this Court dated 14.11.2018 Annexure P-3. The petitioner is behind the bars since more than one year and seven months.

In the light of what has been detailed and discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

November 30, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No