

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-1916 of 2019

Date of Decision: 09.04.2019

Iqbal Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Ms. Ekakshra Mahajan, Advocate for
Mr. Vipin Mahajan, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.73 dated 19.06.2018 under Sections 304-B, 316, 34 IPC registered at Police Station Sadar Gurdaspur, District Gurdaspur.

The aforesaid FIR was registered at the behest of complainant Gurwant Singh, who is brother of the deceased Mandeep Kaur, as per which, the marriage of deceased Mandeep Kaur and Simran Singh was solemnised on 22.10.2017. The petitioner is father-in-law of the deceased.

As per the FIR, immediately after 15-20 days of the marriage, the husband

of the deceased Simran Singh and mother-in-law Gurmeet Kaur started taunting the deceased that her parents have given Pulsar motorcycle instead of a Bullet motorcycle. It has also been alleged that Mandeep Kaur used to say that Simran Singh did not like her because she was not beautiful and he did not want to stay with her. The husband of the deceased, her father-in-law and mother-in-law started harassing her continuously for bringing less dowry. Mandeep Kaur died on 19.06.2018, since then, the petitioner is in custody.

Learned counsel for the petitioner has argued that the petitioner is in custody since 19.06.2018 and there is no specific allegation against him for demand of dowry. Moreover, there is no injury mark on the person of the deceased except ligature mark on her neck. The only allegation in the FIR is demand of Bullet motorcycle, which is not against the petitioner.

Learned counsel for the complainant has argued that the deceased got married with the son of the petitioner on 22.10.2017 and there are allegations against the whole family members of the husband, including the petitioner, have continuously harassed the deceased for bringing less dowry. Even after the death of Mandeep Kaur, the petitioner had telephoned the complainant, asking them to take the body of the deceased. The conduct of the accused does show that they had no liking to the deceased and have harassed her, leaving no other option for her except to commit suicide.

On the other hand, learned State counsel, on instructions from the IO, does not dispute the custody of the petitioner. However, he has

argued that there are specific allegations against the petitioner and the deceased has died within a period of eight months of her marriage and therefore, the petitioner has rightly been booked for offence under Section 304-B IPC along with other sections.

I have heard learned counsel for the parties.

The contents of the FIR does reflect that immediately after the marriage, Simran Singh, who is husband of the deceased and Gurmeet Kaur, mother-in-law of the deceased, started taunting her that her parents have not given Bullet motorcycle. Thus, demand of dowry, if any, is against Simran Singh (husband) and Gurmeet Kaur (mother-in-law). It is in the later part of the FIR, there is allegation that the whole family, including the petitioner, continuously harassed the deceased for bringing less dowry. Considering the fact that the specific allegation is with regard to Bullet motorcycle, for which the husband may be the beneficiary and the fact that the petitioner is in custody since 19.06.2018 and trial in the case will take long time, as the prosecution has filed an application under Section 319 CrPC, this Court finds that the petitioner deserves to be admitted on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

April 09, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No