

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-11886 of 2018 (O&M)
Date of decision : May 23, 2019

Surinder Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Manuj Nagrath, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State with
HC Malkit Singh

Fateh Deep Singh, J. (Oral)

The brief allegations in this second regular bail application of accused Surinder Singh filed before this Court in case bearing FIR No. 64 dated 18.4.2017 under Sections 304-B, 498-A, 120-B IPC, Police Station Dehlon, District Ludhiana are as follows:-

The present case was got registered by Gurmail Singh complainant father of deceased Manpreet Kaur. It is alleged that marriage between the deceased and Surinder Singh present petitioner was solemnized on 5.12.2016 whereas as per the asking of

the accused side they have spent huge amount of money on immense articles of Ishtidhan and costly gifts. However, accused were unhappy with the same and have been demanding more. The complainant claims that the deceased was often physically abused and mentally tortured for more dowry as well as for fulfilling their demand of a car and thereafter when inspite of best efforts of the complainant side, the accused did not desist from the same, the deceased was taken away by her parents on 24.1.2017 and subsequently on 18.4.2017, the deceased committed suicide by means of hanging leading to the registration of the present case in which the petitioner was arrested on 21.4.2017.

Mr. Manuj Nagrath, learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars since 21.8.2017 and a bare perusal of the allegations show that it was after the deceased has left her matrimonial home voluntarily and after more than four months she has committed suicide and there is no immediate attribution to the accused for having instigated the deceased and for having tortured the deceased prior to her death.

Mr. Saurav Khurana, DAG, Punjab though do not displace the facts that have been brought to the notice of the Court by counsel for the petitioner but has opposed the grant of bail on the grounds of

heinousness of the offence and seriousness of the allegations.

Going through the submissions it is sad and tragic that a young girl, a bride has died an un-natural death by means of hanging within four to five months of the marriage. Though as per the contentions of the State and which are reflected from the records there has been allegations of demand of dowry, harassment and cruelty to the deceased at the hands of the accused on account of the same. However, at the same time it is the case of the complainant as detailed by him in the FIR that the girl has gone away from the matrimonial home on 24.1.2017 and it is thereafter on 18.4.2017, after around three months, she has committed suicide. Thus a debatable issue arises over the factum that soon before her death the deceased was subjected to cruelty or harassment by the accused in connection with demand for dowry and which can only be adjudicated at the time of trial. The petitioner is behind the bars for almost one year and eight months. The trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 23, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No