

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-29966 of 2018
Date of decision : May 03, 2019

Karamjit Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sant Pal Singh Sidhu, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab for the State
Mr. Naveen Batra, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This first regular bail application under Section 439 Cr.P.C. before this Court filed by Karamjit Singh is in case bearing FIR No. 13 dated 24.2.2018 under Sections 307, 406, 498A and 34 IPC, Police Station Behram, District SBS Nagar.

The facts are as under:-

The present case was got registered by the complainant-wife Hardeep Kaur alleging that marriage between the complainant

and the accused was solemnized on 23.8.2015 and out of which a girl child was born on 5.6.2016. It is further stated by the complainant that it was second marriage of the petitioner as well as of the complainant who alleged that the accused and his family were greedy and demanded dowry and inspite of repeated intervention by the respectables the accused used to ill-treat the complainant along with his sister Kulvir Kaur and mother Harbhajan Kaur. It is alleged that on 11.3.2017 at 9.00 AM all these three accused caught hold of the complainant while she was in kitchen wherein the petitioner poured kerosene oil and set her on fire. Thereafter the victim was got admitted in the hospital with 40% burn injuries leading to the registration of the present case on 24.2.2018 and arrest of the petitioner on 25.2.2018.

Mr. Sant Pal Singh Sidhu, learned counsel for the petitioner submits that the petitioner is behind the bars for more than one year two months and that the occurrence has taken place on 11.3.2017 whereas FIR has come about after more than one year on 24.2.2018 and thus sought to hammer home the point that there is false implication of the petitioner on account of matrimonial dispute and that the trial is not likely to be concluded in near future.

Mr. Saurav Khurana, DAG, Punjab assisted by Mr. Naveen Batra, Advocate, for the complainant have strongly opposed

the grant of the bail on the grounds that surgery had to be performed on the complainant who remained hospitalized from 11.3.2017 to 21.5.2017 and in view of heinousness of the offence and seriousness of the allegations together with the fact that if allowed bail, the petitioner might influence the witnesses does not calls for grant of bail.

Appreciating the submissions as is there and could not be displaced by the two sides, the petitioner husband had earlier instituted on 23.10.2017 a petition under section 11 of the Hindu Marriage Act, 1955 for nullification of the marriage between the petitioner and the complainant whereas the present FIR has been got registered subsequent thereto on 24.2.2018. More-so admittedly the occurrence has taken place on 11.3.2017 and therefore, this inordinate delay and the fact that inspite of having been discharged on 21.5.2017, the complainant has not initiated any action are matters of much relevance. It is not displaced that the complainant as well as the petitioner were previously married and has subsequently entered into this wedlock on 23.8.2015 and thus, a debatable issue arises over the cause of this occurrence as to demand of dowry. The petitioner is behind the bars for more than one year and two months. The trial is not likely to be concluded in near future. No useful 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, Shaheed Bhagat Singh Nagar (Nawanshahr).

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 03, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No