

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

CRM-M No.23753 of 2019

Date of decision: 3rd September, 2019

Mukhtiar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. V.P. Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Deceased Manpreet Kaur wife of Amrik Singh son of the present accused petitioner Mukhtiar Singh, is alleged to have been married to Amrik Singh about one-and-a-half years prior to this occurrence which took place on 25.07.2018. The complainant Jatinder Singh, brother of the deceased, alleged that his sister was being harassed by the accused husband including the in-laws who often used to physically abuse her and mentally torture her thus, forcing the deceased to die an unnatural death leading to registration of the present case. Petitioner father-in-law has sought regular bail under Section 439 Cr.P.C. in case got registered by way of FIR No.0232 dated 26.07.2018 under Sections 302, 304-B, 34 IPC pertaining to Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner Mr. V.P. Singh, Advocate inter alia contends that there is no specific allegation against the petitioner who is living separate from the deceased and her husband and it was a run-away marriage where protection order was secured by the couple against the parents of the girl as well as the boy, arguing further that the petitioner is in custody since more than one year and the trial is not likely to be concluded in the near future.

Learned State counsel Ms. Sakshi Bakshi, Asstt. Advocate General, Punjab has conceded to the facts brought to the notice of this Court by learned counsel for the petitioner, but has stoutly opposed the grant of bail on the grounds of heinousness of the offence, submitting further that if allowed bail the petitioner might influence the trial.

Going through the submissions of the two sides, it is there in the records that Amrik Singh and deceased Manpreet Kaur claimed to have entered into a wedlock against the wishes of family of the girl and which is reflected from the order passed on protection petition (Annexure P5) secured on 14.03.2017 as well as the marriage certificate (Annexure P4) issued by the local Gurdwara. The petitioner happens to be the father-in-law of the deceased. The allegations of demand of dowry by the in-laws apparently appear to be far-fetched. No doubt the deceased has died within one-and-a-half years of her marriage by an unnatural death but at the same time, a bare perusal of the allegations would show that a debatable issue arises over the applicability of offence under Section 306

IPC. The same can be adjudicated at the time of trial. The petitioner is behind bars since more than one year. In view thereof and the fact that the trial will take a long time to conclude, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he 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.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

September 3, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No