

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-52819-2018

Date of Decision:27.03.2019

Malook Singh

.....Petitioner

Versus

State of Punjab through Advocate
General, Punjab

.....Respondent

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

Present: Mr. Balbir Kumar Saini, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.32 dated 20.04.2018 under Sections 304-B/34 IPC (the offence punishable under Section 306 IPC was deleted vide rapat No.7 dated 05.05.2018), registered at Police Station Tarsikka, District Amritsar Rural.

Learned counsel for the petitioner has argued that the petitioner got married with the deceased-Rajwinder Kaur on 31.12.2015 and out of this wedlock, a girl child was born to them, who is living with the family of the petitioner. He has further argued that as per FIR, the petitioner and his parents started harassing deceased Rajwinder Kaur for dowry and for this count, the quarrels started between the parties. When the deceased was harassed, she come to the house of her parents and thereafter, the matter was

compromised with the intervention of her Uncle Avtar Singh son of

Joginder Singh. The deceased had told the complainant that her husband, mother-in-law and father-in-law are demanding motorcycle and on her refusal, the petitioner gave beatings to her because of which, she is in tension. Learned counsel for the petitioner has stated that as per recovery of dowry articles, motorcycle was already given in the marriage and therefore, there is no question of demand of motorcycle again. The petitioner is in custody since 21.04.2018 and as against total 26 witnesses cited by the prosecution, none of the witness has been examined so far.

Learned State Counsel on instructions from ASI Harbans Singh does not dispute the custody. However, he states that though none of the witness has been examined but now the case is fixed for 02.04.2019 for evidence of the PWs.

Heard learned counsel for the parties.

The allegation against the petitioner is that he had demanded a motorcycle and other dowry articles from the complainant, but the recovery memo prepared in the case does reflect that the motorcycle has already been recovered. Therefore, this Court finds that strict culpability is required to be established. Trial in the case will take sufficient long time as against total 26 witnesses cited by the prosecution, none of the witness has been examined so far.

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.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case. The trial Court shall proceed with the trial independently without

being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 27, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No