

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

CRM-M-29291-2019

Date of decision: 26.11.2019

PAPPU SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.93 dated 22.4.2018 under Section 304-B of Indian Penal Code, 1860 registered at Police Station Meharban, Police Commissionerate Ludhiana, District Ludhiana.
2. The FIR was lodged at the instance of Ram Janam Vishavkarma wherein it has been alleged that his elder sister Meera Devi had died about 15/16 years back and after death of his sister he had brought up his sister's daughter namely Romi Sharma (deceased) and had solemnized her marriage on 9.12.2016 with Pappu Sharma. It is alleged that after the marriage said Pappu Sharma neither permitted him to meet his niece

Romi Sharma nor he sent Romi Sharma to meet him and instead he started demanding a motorcycle. It is alleged that on 18.4.2018 he received a telephone call from Ludhiana that Romi Sharma had committed suicide. It is thus alleged that Pappu Sharma had pushed his niece Romi Sharma to commit suicide as she had been harassed for not bringing motorcycle.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that the falsity of the case would be evident from the fact that in the initial statement of the complainant recorded on 21.4.2018 (Annexure P-2) he did not utter a word as regards demand of motorcycle although it is he who brought up the deceased and solemnized her marriage since the parents of the deceased were no more.
4. Opposing the petition, learned State counsel has submitted that since specific and categoric allegations of demand of motorcycle have been levelled in the FIR, no case for grant of regular bail is made out. It has however been informed that as on date 4 PWs out of cited 13 PWs have been examined while another 3 have been given up.
5. I have considered rival contentions addressed before this Court. It is not disputed that deceased, pursuant to death of her mother had been brought up by the complainant-Ram Janam Vishavkarma, who had also solemnized her marriage. However, it remains unexplained as to why the complainant did not choose to raise any allegations when his statement was initially recorded on 21.4.2018. Without making any expression as regards merits of the case and while bearing in mind that the petitioner has been behind bars since last about 1 year and 7 months, no fruitful

purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

26.11.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**