

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

CRM-M-39540-2019 (O&M)
Date of Decision:- 24.10.2019

Manohar Lal ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner Manohar Lal (father-in-law of the complainant) has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.60 dated 20.4.2017 under Sections 304-B/120 IPC (subsequently, Section 304-B was replaced with Section 302 IPC and Section 498-A IPC was invoked additionally) at Police Station Samana, District Patiala.
2. The FIR was registered at the instance of Harpreet Singh wherein it has been alleged that his sister Jatinder Kaur was married to Surinder Pal in the year 2007 and his father had given dowry as per his means but his sister's husband as well as other members of his family i.e. his father and mother used to continuously harass her in order to press upon their demand of more dowry. It is alleged that when complainant's father retired in the year 2013 from BSNL, he had given an amount of ₹ 5 lacs to complainant's '*jija*' (brother-in-law) and subsequently, after death of his father even the

complainant had given an amount of ₹ 2 lacs to his brother-in-law (sister's husband) and had also purchased an Activa scooter for him apart from two mobiles. It is further stated therein that a gold bangle weighing three tolas was also given to his brother-in-law Surinder Pal but the accused kept on harassing her sister. On 19.4.2017, upon her sister having called them telephonically, the complainant and his wife went to his sister's house where they met Surinder Pal, husband of complainant's sister who hurled abuses at them. However, after reasoning out with his sister's in laws, they returned back home. On the next morning, they received a phone call at about 5 a.m. that Jatinder Kaur had set herself on fire. Upon receipt of said information, the complainant, his wife and parents immediately rushed to matrimonial home of his sister where they came to know that his sister had died and her dead body was lying in Civil Hospital.

3. The learned counsel for the petitioner has submitted that even as per perusal of FIR, it is Surinder Pal, husband of deceased, against whom specific allegations regarding demand of dowry have been levelled and that the petitioner is being roped in simply on the basis of vague and general allegations.
4. The learned counsel has further submitted that the petitioner is a senior citizen, aged about 64 years, and is suffering from various ailments including Parkinson and is presently being treated at Rajindra Hospital, Patiala. The learned counsel has further submitted that it was on account of the ailment of the petitioner that he was earlier granted bail for four months by this Court vide order dated 21.9.2018 passed in CRM-M No.32544 of 2018. It has further been submitted that the condition of the petitioner has

not improved and he requires constant medical attention and care as the disease of Parkinson is irreversible and can just be managed and not cured.

5. The learned State counsel, while opposing the petition, has submitted that since the petitioner is specifically named in the FIR and was residing in the same house where the deceased was residing and had been constantly harassing the deceased along with other accused, no case for grant of bail is made out. It has further been submitted that as per the latest medical report dated 21.10.2019, annexed with short reply on behalf of the State, the condition of the petitioner is presently stable and is being provided necessary medical treatment at Rajindra Hospital, Patiala.
6. I have considered the rival submissions addressed before this Court. Although, it is correct that in the FIR the petitioner is specifically named wherein allegation in general have been levelled against him, but needless to mention, it is only after the entire evidence is recorded that any finding or any opinion can be expressed as regards the veracity of the allegations. The prosecution may be able to lead evidence depicting the role played by the petitioner in the alleged harassment, which of course is not required to be spelt out in detail in the FIR as the FIR is not expected to be encyclopedic. However, it is a fact that the petitioner, who is aged about 64 years, is suffering from ailments including Parkinson disease for which he is taking regular medical treatment. The latest Medical Certificate dated 21.10.2019 (Annexure R-1) annexed with the reply filed by the State reads as follows :-

“Regarding the above cited inmate Manohar Lal Son of Kishori Lal is a known case of hypertension and Parkinsonism and he is on regular treatment from Medicine Department of Rajindra Hospital, Patiala.

He was sent to Psychiatry OPD for detailed Psychiatric evaluation and was put relevant prescribed medicine.

His last visit to Rajindra Hospital Patiala was on 04.10.2019. He was advised to come on 17.10.2019 for ultrasound Abdomen but he was not sent to Rajindra Hospital Patiala due to unknown reasons. He has been put on medical guard for 24.10.2019 to Rajindra Hospital Patiala for Ultrasound.

Presently his condition is clinically stable. Vitals are within normal limits. He is being provided all medicines which are prescribed from Medicine and Psychiatric Department of Rajindra Hospital Patiala. He is also being medically examined on regular basis and when needed he will be sent to Rajindra Hospital, Patiala.”

7. The learned State counsel has informed that as on date the petitioner has been behind bars since the last 1 year and 6 months and till date only 5 out of the cited 37 PWs have been examined.
8. In view of the aforestated discussion and while refraining from making any expression as regards merits of the case and while noticing that the petitioner is suffering from ailments including Parkinson disease and has been behind bars since the last more than 1 year and 6 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.

9. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.10.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No