

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

CRM-M-18509 of 2018 (O&M)

Decided on:- September 24, 2019.

Paramjit Singh @ Vidhi Chand.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

Mr. C.S. Rana, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

CRM-29689-2019

The documents Annexure P-6 (colly), Annexures P-7 and P-8 are
taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-18509-2018

Prayer in this petition filed under Section 439 Cr.P.C. is for grant
of regular bail to the petitioner in FIR No.175 dated 24.08.2017 under Section
306 IPC (read as 302 IPC vide order dated 29.05.2019) registered at Police
Station Machhiwara, Police District Khanna, District Ludhiana.

The aforesaid FIR was registered on the statement of Balwant
Kaur mother of deceased Jaswinder Kaur. As per the FIR, the marriage of

Jaswinder Kaur was solemnised with the petitioner about 10 years back and three children were born out of this wedlock. However, after the marriage, the petitioner started harassing Jaswinder Kaur on account of bringing less dowry. The complainant was informed by Jaswinder Kaur about the harassment. She was thrown out of the house after giving beatings by the petitioner. On 24.08.2017, the petitioner had made a phone call that Jaswinder Kaur @ Rimpny hanged herself and died. The complainant alleged that her daughter Jaswinder Kaur has ended her life as she was fed up with the petitioner.

Learned counsel for the petitioner states that the marriage of petitioner and Jaswinder Kaur (since deceased) was solemnised on 14.06.2007 and there are three minor children from this marriage. During the period of 10 years of marriage, there was no complaint whatsoever against the petitioner. The allegation that the dowry was demanded after 10 years of marriage is too unrealistic. The minor children are suffering as there is nobody to look after them in the family. Presently, they are in custody of the brother of the petitioner.

He has further argued that the petitioner is in custody since 24.08.2017 and the trial is not likely to be concluded in near future as only 4 witnesses have been examined as against 9 witnesses cited by the prosecution. Moreover, the trial is being delayed for one reason or the other including the filing of application under Section 319 Cr.PC seeking summoning of additional accused, which was ultimately dismissed in the year 2018.

Learned counsel for the complainant has argued that the allegations against the petitioner are serious. No wife would like to commit suicide. In fact she was killed by the petitioner and it is for this reason, the alternative charge under Section 302 IPC has been framed by the trial Court against the petitioner.

Learned State counsel, on instructions from ASI Mukhtiar Singh, does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

There is no dispute that the marriage between the petitioner and Jaswinder Kaur (since deceased) was solemnised on 14.06.2007 and there are three children from this marriage. The children are staying with brother of the petitioner. The prosecution has cited as many as 9 witnesses and out of them, only 4 witnesses have been examined so far. During the trial, the prosecution filed an application under Section 319 Cr.PC seeking summoning of additional accused, which was ultimately dismissed in the year 2018 and this has resulted further custody of the petitioner. The petitioner is in custody since 24.08.2017 and the conclusion of trial will take a long time.

Moreover, during pendency of the present petition, the petitioner was granted interim bail for a period of two weeks vide order dated 21.12.2018 passed in *CRM-45497 of 2018* since his mother was suffering from coronary heart disease. Thereafter, the petitioner had surrendered after expiry of the period of interim bail and has not misused the concession of interim bail. Therefore, this Court finds that at this stage, the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the remaining prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 24, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No