

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

CRM-M-53616 of 2019.

Decided on:- December 19, 2019.

Kulwinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Ajay Paul Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.1 dated 04.01.2018 under Sections 406 and 498-A IPC registered at Police Station Women, District Bathinda.

Learned counsel for the petitioner states that the petitioner is in custody since 18.11.2019 and is the husband of the complainant. He is a chronic patient of diabetes which has affected his kidneys as well. Even his mother is also critically ill and she is a cancer patient. Though he was admitted on anticipatory bail by this Court vide order dated 14.01.2019 passed in **CRM-M-28957-2018** titled as ***Kulwinder Singh Versus State of Punjab and another*** subject to the condition that he shall return Rs.5 lakh to the complainant on or before 30.04.2019 and out of the said amount, shall pay Rs.2 lakh to her on or before 30.03.2019. However, on account of his financial condition, he could not pay that amount and it is for this reason, he is in custody since 18.11.2019.

Learned State counsel does not dispute the custody of the petitioner. However, he states that the marriage between the petitioner and complainant was solemnised on 02.10.2016 and there being allegations of demand of dowry including a car and causing harassment to the complainant, the petitioner is not entitled to be released on bail.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 18.11.2019 and the trial is not likely to be concluded in near future coupled with the fact that it being a matrimonial dispute and the petitioner is husband of the complainant, this Court finds that the culpability of the petitioner is yet to be decided during the trial and no useful purpose would be served by keeping him in custody.

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/Duty Magistrate.

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.

December 19, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No