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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4129 of 2020(O&M)
Date of decision : 08.07.2020

Jatinderjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhwalia

Present:- Mr. Ankur Mittal, Advocate for the petitioner

Mr. H.S.Sullar, DAG, Punjab.

Mr. Arnav Sood, Advocate for the complainant.

(The proceedings have been conducted through Video
conferencing as per instructions.)

G.S. Sandhwalia, J. (Oral)

The petitioner seeks regular bail in FIR No.0186 dated 2.12.2018 under Section 304 B IPC registered at Police Station, Dasuya, District Hoshiarpur.

It is also pointed out that the petitioner has been charged under Section 302 IPC by the trial Court on 7.2.2020. Resultantly, counsel for the petitioner has sought the benefit of bail in the said FIR itself including the charge under Section 302 IPC.

The FIR was lodged by Jasvir Singh father of the deceased namely Navdeep Saini, who had married the petitioner in February/April, 2014. From the wedlock a male child was born on 16.10.2015. As per the FIR the stand was that the dowry had been given and after sometime the petitioner-husband, his father and mother had started taunting for dowry and demanding more dowry and the deceased had been beaten several

times and they had shunted out the deceased of the matrimonial home. Panchayati agreement had been entered into and the deceased was sent back to her in-laws house. On account of the harassment she was not able to settle down and she had been living with her father and on being upset she had hanged herself by her 'Chuni' from the bamboo stairs.

The petitioner was arrested on 10.10.2019 and he has been in custody since then.

It is the case of the counsel for the petitioner that it was a case of love marriage as such and it is on account of the fact that son of the couple who was born premature and was suffering from diabetes and his treatment was going on from Endo Kids Hospital, Jalandhar, the deceased was under depression. It is also submitted that separate bank accounts had been opened and at the time of marriage husband and wife were doing job with Atlantic Power Private Limited at Mini Hydel Project, Terkiana, District Hoshiarpur as they both were engineers. Separate accounts had been opened both at the parents house and in laws house for the convenience of the deceased who was living there also. It is submitted that exoneration report dated 18/27.4.2019 (Annexure P/6) as such had been submitted by the SP Investigation, Hoshiarpur after proper investigation. However, father of the deceased as such had given a supplementary statement on 7.6.2019 (Annexure P/9) wherein for the first time it was submitted that the son-in-law was also living at village Terkiana and used to beat the deceased after returning back from his office. It was in such circumstances she had committed suicide.

Counsel for the complainant has vehemently submitted that the deceased as such had committed suicide on account of the fact that she was being harassed for dowry.

On the other hand counsel for the State submits that since the marriage was solemnized in the year 2014 and deceased had committed suicide in December, 2018 there is a presumption as such for the dowry death.

After perusing the paper-book and going through the enquiry report as such this Court is of the opinion that admittedly the deceased has not left behind any suicide note. The matter was also enquired into by the Investigating Officer whereby he had given reasons also that the deceased was staying with her parents on account of illness of her son. A perusal of the panchayati proceedings dated 2.4.2017(Annexure P/3) which were conducted in the village of the complainant also would go on to show that there was an altercation due to some misunderstanding and there was no reference in the said proceedings also as to whether any demand of dowry was made. Counsel for the petitioner has also referred to the communication interse husband of the deceased and deceased on the social media to show that relationship was smooth and the only reason for worry was on account of the illness of child as such. It has been pointed out that there were also two bank accounts in the name of the deceased. One at Naushera Pattan with the Cooperative Bank which shows a balance of sum of Rs.83114/- as on 1.9.2018 and another account at village Terkiyana with Punjab National Bank containing balance of a sum of Rs.55,620.77 as on 4.3.2018 which had been utilized for several times for expenses and the balance in the said amount was Rs.22808.67 paise on 15.12.2018(Annexure P/2).

Admittedly there are 19 witnesses as per challan which had been filed. Considerable time shall be taken in concluding the trial especially in view of the Covid-19 Pandemic and no useful purpose would

now be served by further detaining the petitioner.

In view of above facts and circumstances, this Court is of the opinion that the petitioner has undergone sufficient period of detention and he is entitled for the benefit of regular bail.

Accordingly the present petition stands allowed and the petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Hoshiarpur.

It is made clear that the observations made herein are only for the purpose of deciding the bail application as such.

08.07.2020
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(G.S. Sandhawalia)
Judge