

CRM-M-4366-2020 with
CRM-28019-2020
Date of decision: 22.12.2020

Sukhwant SinghPetitioner

versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J. (ORAL)

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

CRM-28019-2020

Notice to the application to the respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance
and accepts notice of the application on behalf of the respondent-
State.

The learned State counsel has made statement that he
does not want to file reply to the present application and has no
objection if the same is allowed.

In light of the same and in the interest of justice, the application stands allowed and the document annexed therewith is taken on record.

CRM stands disposed off.

CRM-M-4366-2020

The petitioner-Sukhwant Singh, father-in-law of deceased-Rajbir Kaur, has come up in this second regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.123 dated 31.08.2018 under Section 304-B of the Indian Penal Code registered at Police Station Kamboh, District Amritsar.

The brief allegations are that marriage between Rajbir Kaur and Major Singh, son of the petitioner, was solemnized in the year 2013. The complainant, who happens to be the father of the deceased has alleged that the accused-family of the boy, including the husband, were not happy with the *Istridhan* and had been torturing and harassing the deceased on one pretext or the other and in spite of gatherings having been taken place to sort out the differences, nothing was resolved. It is alleged that six months prior to the occurrence, the deceased was sent back to her matrimonial home and on the day of occurrence i.e. on 30.08.2018, the complainant received a telephonic call from the deceased intimating her plight. It is, thereafter, the deceased consumed poisonous substance and, thus, rushed to the hospital, where she died.

Learned counsel for the petitioner *inter alia* contends that petitioner is behind the bars for more than 02 years 01 month and 18 days and there is no specific role attributed to him in the commission of the offence. Counsel has laid much stress on the affidavit of the complainant annexed with the application to drive home the point that the complainant has withdrawn his allegations against the petitioner.

The learned State counsel does not displace the facts but has strongly opposed the bail on the ground that trial is underway and showed his apprehension that it might be stifled.

Admittedly, the petitioner is behind the bars since a long time. Being aged father-in-law, there is no specific attribution to him in the commission of the offence and rather, what is reflected is that the deceased herself consumed poisonous substance leading to her death. Thus, a debatable issue arises over the applicability of offence under Section 304-B/306 of the Indian Penal Code which is subject to trial. Moreover, the complainant has withdrawn the allegations and in view of the present pandemic, the trial is not likely to be concluded in the near future and thus, the present petition is allowed.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty/Illaq Magistrate/Trial Court.

The petition stands disposed off accordingly.

22.12.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No