

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7051 of 2020 (O&M)

Date of Decision: August 05, 2020

Sarotam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.215 dated 11.09.2019, under Sections 304-B read with Section 34 IPC, registered at Police Station, Kalanwali, District Sirsa. The petitioner is in custody since his arrest in September, 2019.

As per the FIR, the complainant were three brothers and sister. His sister Jaspreet Kaur aged about 22 years, was married to Gurpreet Singh son of Sarotam Singh about 3½ years back. She gave birth to one baby girl, who was about eighteen months old. His brother-in-law was in jail for the last about two years in a drugs case. After his brother-in-law went to jail, then his sister Jaspreet Kaur's father-in-law Sarotam Singh, mother-in-law Baljit Kaur and their daughters, namely, Amandip Kaur and Paramjit Kaur and Nachatar Singh (brother of Sarotam Singh) demanded more dowry.

Jaspreet Kaur had told many times on mobile phone regarding harassment

and demand of dowry. On 10.09.2019, the complainant and his mother Mandip Kaur went to meet Jaspreet Kaur. She asked them to take her along because her mother-in-law, father-in-law, uncle and sisters-in-law were harassing for bringing more dowry and they might cause some incident with her. They made their daughter understand and left her at Desu Malkana. At about 12 mid night, a phone call was received by his brother Lovepreet's house from village Desu Malkana that Jaspreet Kaur was serious. After receiving the phone call, they arranged the vehicle and reached at Desu Malkana. They went to her house and found Jaspreet Kaur lying dead on a cot. According to complainant, his sister was killed by her father-in-law Sarotam Singh, Nachatar Singh sons of Ram Singh, mother-in-law Baljit Kaur and sisters-in-law, Amandip Kaur and Paramjit Kaur for demand of dowry. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the victim ended her life voluntarily by consuming poison as her husband Gurpreet Singh was involved in a NDPS case and was behind bars. According to him, the allegation of demand of dowry has been made only after the arrest of the husband of the victim and previously no such complaint was made by complainant or any one else. Learned counsel has further contended that the allegations were levelled against five accused persons and three of them, namely, Baljit Kaur (wife of the petitioner) and Amandip Kaur and Paramjit Kaur (daughters of the petitioner) were found innocent during investigation and challan was filed against the petitioner alone. He has further submitted that Nachatar Singh (brother of the petitioner) has already been granted the concession of interim pre-arrest bail vide order dated 27.01.2020 passed in CRM-M-3411 of 2020. According to him, the investigation of the case is

complete and the trial is likely to consume considerable time, therefore, the petitioner be released on regular bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Rajesh Kumar has opposed the prayer on the ground that the petitioner has been named in the FIR by the brother of the victim. According to him, there is specific allegation in the FIR regarding demand of dowry, though it was raised after the arrest of the husband of the victim. It is not disputed by the learned State counsel that the investigation of the case is complete and challan against the petitioner has been filed on 17.12.2019.

Considering the above background, custody of the petitioner and his advanced age, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest in September, 2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the CJM/trial Court, Sirsa.

The petition is allowed.

August 05, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No