

CRM-M-13199-2020

Date of decision: 17.07.2020

Balwinder Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Subhash Sabharwal, Advocate
for the petitioner.Mr. J.P. Ratra, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

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

The petitioner-Balwinder Singh who is accused in a case bearing FIR No.0059 dated 01.05.2019 under Section 304-B/34 of the Indian Penal Code registered at Police Station Arni Wala, District Fazilka has moved this first regular bail application under Section 439 Cr.P.C.

The brief allegations are that the petitioner and deceased-Nirmaljeet Kaur entered into the wedlock on 11.05.2014 against the wishes of their parents and as a consequence of which, they have moved CRM-M-16423-2014 seeking protection from this Court. It is

during the course of matrimony, the couple gave birth to a son on 18.06.2015. The complainant-Amit Singh, father of the deceased alleged that after the marriage of the deceased against their wishes, they had snapped their links but subsequently, two years prior to this incident, which took place on 01.05.2019, they have reconciled with each other. The complainant claims that the deceased often used to complaint to them that her husband/petitioner-Balwinder Singh and his co-accused, mother-in-law-Sumitra and father-in-law-Kundan Singh being greedy persons, often demanded dowry, gold ornaments and cash and on account of which, they often ill-treated her. The complainant showed his inability to pay the same. It is, thereafter, on 29.04.2019, the complainant and his wife had gone to meet the daughter where too the deceased has spelt out her miseries. It is, thereafter, the complainant received a telephonic call that the accused had killed her daughter by putting her to fire.

Learned counsel for the petitioner has *inter alia* contended that the petitioner is behind the bars for almost 12 months and there is no eyewitness to this occurrence and has sought to debate the applicability of offence under Section 304-B of the Indian Penal Code. It is argued that the other co-accused have been allowed bail by this Court and due to pandemic COVID-19 situation there is no likelihood of trial being accomplished in the near future.

The learned State counsel has opposed the prayer claiming that the accused is facing serious charges and that the

challan has been presented. The State counsel has claimed that the petitioner, being principal accused, does not entitle any relief.

Heard.

It is even a little less than 05 years the deceased has died an unnatural death due to fire burn injuries. There are allegations of continuous harassment and torture by the petitioner and his family on account of demand of dowry etc.

In light of the seriousness of the allegations and the heinousness of the offence, this Court is not inclined to accede to the prayer of the petitioner and thus, finding no merits, the present stands dismissed.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

17.07.2020

Neha

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No