

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-18085 of 2020 (O&M)
Date of Decision: December 04, 2020

Ram Niwas

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Charanpreet Singh, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

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.176 dated 07.08.2018, under Sections 304-B, 201 and 34 IPC, 1860, registered at Police Station, Moti Nagar, District Ludhiana. The petitioner is in custody for about one year and ten months.

The above FIR was registered on the basis of the statement of complainant Krishan Kumar Chauhan, wherein it was stated that his sister Shilpi Chauhan was married on 03.07.2017 with Ram Niwas Chauhan and at the time of marriage, sufficient dowry was given, but her in-laws used to harass her for bringing insufficient dowry. A demand of Rs.50,000/- and a buffalo was made from complainant's mother Kamla Devi. In the month of October, 2017, the in-laws family shifted to Ludhiana, where again a demand was made for money and buffalo. On 02.08.2018, complainant's

elder brother-in-law Varinder Kumar informed him that Shilpi Chauhan had been killed and cremated by her in-laws, upon which Varinder Kumar and sister Rachna Chauhan went to the matrimonial house of Shilpi and came to know that Shilpi Chauhan had been killed by Ram Niwas Chauhan, Savitri Devi, Indera Pari, Dhani Ram and Pardeep Kumar. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 02.08.2018 and the FIR was lodged on 07.08.2018. It is pointed out that after completion of investigation, the final report was submitted and the charges were framed by the trial Court on 16.01.2019. He has submitted that till date, two witnesses have been examined by the prosecution and despite issuance of warrants, the prosecution witnesses are not appearing. He prays for grant of bail as according to him, the trial is likely to take considerable time as there are in all fourteen witnesses.

On the other hand, learned State counsel, assisted by ASI Rachhpal Singh, has opposed the prayer. However, it is not disputed by him that despite the issuance of warrants, the witnesses, including the complainant, are not appearing before the Court. He, on instructions, states that only two official witnesses have been examined so far.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer. Apart from this, the Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody for about one year and ten months, and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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 trial Court/Duty Magistrate, Ludhiana.

December 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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