

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM M-27604 of 2019 (O&M)

Date of Decision: July 28, 2020

(1) SantoshPetitioner
Versus
State of Punjab Respondent

CRM M-47677 of 2019 (O&M)

(2) Naresh KumarPetitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Ruhani Chadha, Advocate
for the petitioner in CRM M-27604 of 2019.

Mr. M.S. Sachdev, Advocate
for the petitioner in CRM M-47677 of 2019.

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

Mr. Akshay Bansal, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The above detailed two regular bail applications one by petitioner/accused Santosh being third one moved in FIR No. 129 dated 16.07.2018 under Sections 304-B and 34 of Indian Penal Code, registered at Police Station Division No.1, Jalandhar and another by petitioner Naresh Kumar being first one moved in the same FIR are being taken up together for disposal.

The present case has been got registered by Arun Sangar brother of deceased Samita. It is alleged that marriage between the deceased and accused Naresh accused/petitioner son of accused/petitioner Santosh was solemnized on 12.12.2017 and few days after the marriage, the husband went abroad. It is on 07.07.2018, the husband/petitioner Naresh returned back to India and it is alleged that in between the accused/family of the in-laws including petitioner used to raise demand of costly items as well as cash amounting to Rs.13 lacs and when the deceased as well as her parents showed their inability to meet the demands, deceased was physically and mentally abused. To ensure comfort of their daughter, the

complainant side paid Rs.5,00,000/-, on 15.07.2018. The accused have been threatening the complainant side in case they failed to fulfill their demands something bad would happen to their daughter.

In continuation of this conduct on 16.07.2018, the deceased was found dead by hanging leading to the registration of the present case.

Learned counsel for the petitioners has urged that petitioner Santosh is a aged lady and is behind the bars since 16.07.2018 and there are no specific allegations against her in the commission of the offence. It is argued that the husband/accused Naresh was residing abroad and has not much role to play in this episode and it is after few days of his arrival, the deceased has committed suicide and sought to claim that it was a false implication and that the trial is not likely to be accomplished in near future on account of prevalent Pandemic COVID 19.

Learned State counsel has strongly opposed the bail submitting that within few months of this marriage, the deceased a young lady has been put to death and, therefore, allegations of demand of dowry, physical as well as mental cruelty are immediately prior to the death. Learned State counsel has argued that charges under Section 302 IPC and in the alternate

under Section 304-B IPC have been framed against the accused and, therefore, no ground is made out for grant of bail.

Going through the submissions of the two sides, It is within few months of the marriage, a young lady had to face death and that too immediately prior thereto there has been demand of dowry/cash and on its failure to concede, the deceased had to face physical and mental trauma. It is the case of the prosecution that two prosecution witnesses had been examined and, therefore, the trial is progressing. More so, in case the petitioners, who are principal accused are released on bail, there is every likelihood that they might stifle the trial.

In the light of the same, no case is made out for grant of bail at this stage and there being no merits in the present petitions, the same are dismissed.

July 28, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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