

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

CRM-M-41878-2020 (O&M)

Date of decision : 18.12.2020

Nirmal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.01 dated 04.03.2020 under Sections 406/498-A of the Indian Penal Code, 1860 registered at Police Station NRI Patiala, Punjab.

Learned counsel for the petitioner would contend that the mother-in-law, against whom similar allegations have been made, has been granted the concession of bail by the Court of Judicial Magistrate First Class, Patiala vide order dated 06.10.2020. Learned counsel for the petitioner would further contend that the petitioner is 75 years old and that he and his wife had already disowned their son and daughter-in-law by way of publication in the newspaper dated 03.04.2019. It is further

the contention of learned counsel for the petitioner that the petitioner is not in possession of any dowry articles/documents as alleged .

Learned counsel for the State, on instructions from SI Geeta Rani, is not in a position to deny the fact that the wife of the petitioner, against whom similar allegations have been made, has already been granted bail by the Court of Judicial Magistrate First Class, Patiala vide order dated 06.10.2020.

I have heard learned counsel for the parties.

In the present case it has been alleged in the FIR that the marriage between the complainant and the son of the petitioner was solemnized on 09.12.2017 and it is the second marriage of both the complainant and the son of the petitioner. Thereafter, the son of the petitioner left for Germany on 09.04.2018. It is further the allegation that Kashmir Singh, husband of the complainant, and the other in-laws had harassed the complainant mentally and physically for not bringing sufficient dowry and the father-in-law i.e. Nirmal Singh (petitioner herein) and mother-in-law, Harbhajan Kaur, had taken her passport/documents in their possession after beating her on 26.03.2019. In April 2019 the complainant had come back to her parental home and thereafter her in-laws had not permitted her into the matrimonial home. The petitioner, in the present case, is 75 years of age and his wife (Harbhajan Kaur), against whom similar allegations have been made, has already been granted the concession of bail vide order dated 06.10.2020 passed by the Court of Judicial Magistrate First Class, Patiala.

In view of the above and considering the fact that the challan has not yet been presented in the present case and the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further. Without commenting upon the merits of the case, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

18.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO