

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

**CRM-M-43198 of 2019 (O&M)  
DATE OF DECISION : 21.07.2020**

**Jagwinder Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Mohit Garg, Advocate,  
for the petitioner.

Mr. Suveer Sheokand, Additional A.G, Punjab.  
(Presence marked through video conference)

**ARUN MONGA, J. (ORAL)**

This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.85 dated 07.07.2018, registered under Sections 302/ 304-B, 120-B of IPC at Police Station Sadar Kurali, District SAS Nagar, Mohali, Punjab.

2. Brief facts of the case are that the deceased daughter of the complainant was married to the elder brother of the petitioner on 23.09.2012. Out of the wedlock one female girl was born. All in-laws family members of the deceased started harassing her for bringing more dowry. On the alleged day, they put the daughter of the complainant on fire and she succumbed to her injuries. Aforesaid FIR was registered against the petitioner.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Petitioner along with his wife were residing separately from his elder brother and bhabhi since the date of their marriage. He further submits that allegations against the petitioner are vague in

nature. No specific date and time has been mentioned in the FIR as to on which date and year the demand of dowry was raised by the present petitioner.

4. He further submits that petitioner is in custody since 07.07.2018. Challan was presented and charges have been framed on 15.11.2018 and since then trial is going on.

5. Notice of motion.

6. Mr. Suveer Sheokand, Additional A.G., Punjab, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

7. On a query of the Court, learned State counsel upon instructions from ASI Dhalwinder Singh submits that all the material witnesses including father of the deceased (PW-1), Bhupinder Kaur Aunt of deceased (PW-2), Hardeep Singh brother of the deceased (PW-3) and Sarpanches of the village (PW-8 and PW-9), who had taken the body of the deceased to hospital, have turned hostile. None of them have supported the prosecution version.

8. If that be the situation, it seems rather improbable that the prosecution would be able to judicially sustain its version before the trial Court. Be that as it may, the same shall be adjudicated by the trial Court on conclusion of entire evidence.

9. At this stage, no useful purpose would be served to keep the petitioner behind the bars as there is no likelihood of the material witnesses being influenced as all of them have already been examined. That apart, owing to the current pandemic scenario, the trial is not likely to conclude any time soon. The petitioner is stated to be in custody since 07.07.2018.

11. Further more, I am of the view that based on the same allegations, co-accused have been given the benefit of bail during pendency of the trial.

Petitioner on the grounds of parity as well is entitled to concession of bail during the pendency of the trial.

12. Accordingly, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/ Duty Magistrate, as the case may be.

**(ARUN MONGA)**  
**JUDGE**

**21<sup>st</sup> July, 2020**  
vandana

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