IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-55164 of 2019.
Decided on:- January 10, 2020.

Subhash Chander Yadav @ Subhash Chand.

……Petitioner.

Versus

The State of Punjab.

……Respondent.

CORAM: ***HON'BLE MR. JUSTICE HARI PAL VERMA.***

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Present:- Mr. Shehbaz Thind, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, A.A.G., Punjab.

HARI PAL VERMA, J. *(Oral)*

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.126 dated 30.12.2017 under Sections 302 and 304-B read with Section 34 IPC registered at Police Station Kotwali Nabha, District Patiala.

The aforesaid FIR was registered at the behest of complainant Chhannu Lal Yadav. As per the FIR, the marriage of Manu (since deceased and sister of the complainant) was performed with Arun Kumar Yadav on 03.05.2017. In the marriage, sufficient dowry articles were given. However, Arun Kumar Yadav (husband), Sunita Rani (mother-in-law) and Subhash Chander Yadav (father-in-law and the petitioner herein) used to give beatings to Manu for demand of dowry. The accused used to raise the demand of one motorcycle and Rs.20,0000/- as dowry. On 27.12.2017, the sister of the

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complainant had informed him on telephone from Punjab asking the complainant to give a motorcycle and Rs.2 lakh to the accused as soon as possible, otherwise, they would kill her. The complainant asked her not to afraid and assured her that he will come within two days. On 28.12.2017, the complainant received a phone call from the petitioner informing therein that deceased Manu got faint. The complainant had visited Civil Hospital, Nabha and found the dead body of Manu and had seen some marks on the neck of his sister as if somebody had hanged or strangulated her.

Learned counsel for the petitioner has argued that the petitioner is in custody since 11.03.2018 and he is father-in-law of the deceased. In the similar set of allegations, co-accused Sunita Devi (mother-in-law of deceased) has already been granted regular bail by this Court vide order dated December 02, 2019 passed in ***CRM-M-50339 of 2019***. The trial is not likely to be concluded in near future as only 2 witnesses have been examined in the case though the prosecution has cited total 19 witnesses.

Learned State counsel, on instructions from ASI Suresh Kumar, submits that the medical board of doctors had given an opinion regarding the cause of death of the deceased that she had died due to hanging. She further submits that though the prosecution has cited 19 witnesses, but 2 witnesses have been examined in the case and 2 other witnesses have been given up by the prosecution. In this manner, total 15 prosecution witnesses are required to be examined.

I have heard learned counsel for the parties.

The custody of the petitioner from 11.03.2018 is not in dispute. Only 2 witnesses have been examined in the case so far, though there are total

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19 witnesses cited by the prosecution. The medical board of doctors had given an opinion regarding the cause of death of the deceased that she had died due to hanging. In this manner, when the co-accused Sunita Devi has already been released on bail by this Court and the trial is not likely to be concluded in near future, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

January 10, 2020
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Whether speaking/reasoned: Yes

Whether Reportable: No

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