

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3941-2021 (O&M)
Date of Decision:- 22.3.2021

Baldev Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajwant Singh Chahal, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Paramjit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.39, dated 6.11.2018, Police Station GRP Karnal, District GRP Ambala Cantt, under Sections 306, 506, 34 IPC.
2. The FIR was lodged at the instance of Amarjit Kaur wherein it is alleged that her son Jagjivan Singh was married to Pawandeep Kaur daughter of Baldev Singh and that Pawandeep Kaur after her marriage was sent to Canada by the the complainant's husband after raising a loan of ₹18 lakhs and her husband had thereafter given an amount of ₹10 lakhs on two occasions to Pawandeep Kaur. Later the complainant's son came to know that the amount which she was receiving was sent by her to her parents residing in the village and

when he confronted the parents of Pawandeep Kaur they threatened the complainant's husband to implicate him falsely in a case of dowry. Although, they tried to reason out with the parents of Pawandeep Kaur but to no avail. It is alleged that the complainant's husband being threatened by the in-laws of complainant's son ultimately committed suicide on 5.11.2018 by jumping in front of a running train.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and in fact it is a case where after marriage of complainant's son, the petitioner's daughter went to Canada for study and complainant's son was also called by her to Canada later. It has further been submitted that the allegations of transfer of huge amounts by the complainant's husband are all false and in fact it is a case where the petitioner had been sending money to his daughter as would be evident from the fact that the petitioner had been sending money through Thomascook to his daughter. It has been submitted that it was while noticing the said contentions that this Court had issued notice of motion in a petition filed for quashing of FIR i.e. CRM-M-1515-2020 (Annexure P-4). Learned counsel has further submitted that the petitioner has falsely been implicated in the instant case on account of the fact that there has been some kind of matrimonial discord between the complainant's son and the petitioner's daughter. It has further been submitted that although a polygraph test was conducted upon the petitioner and his wife but nothing incriminating could be brought out in the said polygraph test.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel upon a query raised by this Court has however, informed that nothing incriminating could be brought out in the polygraph test conducted upon the petitioner. It has further been informed that the petitioner has been behind bars since the last more than 2 months and that challan already stands presented.
5. Having regard to the facts and circumstances of the case and while noticing that the polygraphy test did not reveal anything in favour of the prosecution and that in any case challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 22, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No