

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17996-2021

Date of Decision : 30.07.2021

Jasvir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ishan Gupta, Advocate for the petitioner

Ms. Rashmi Attri, AAG Punjab

ALKA SARIN, J.

Heard through video conferencing.

This is the second regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in FIR No.155 dated 03.09.2020 (Annexure P-1) under Sections 304-B, 34 IPC (subsequently Section 201 IPC added) registered at Police Station City 2, Mansa, District Mansa. The first petition under Section 439 CrPC (CRM-M-42338-2020) was dismissed as withdrawn on 06.01.2021.

As per the allegations in the FIR dated 03.09.2020 (Annexure P-1) lodged by Gardaur Singh (father of the deceased, Labhpreet Kaur), his daughter Labhpreet Kaur was married to Inderjit Singh s/o Ajitpal Singh on 29.10.2017 and out of their wedlock one daughter namely Rehmat Kaur was born who is about two years old. The complainant alleges that on this marriage he had given dowry more than his capacity but his daughter's in-laws were not satisfied with the dowry and they used to harass and beat her for bringing insufficient dowry. The complainant alleges that he had given

applications to the Police against them for harassing and beating his daughter for bringing insufficient dowry. His son-in-law Inderjit Singh used to beat his daughter Labhpreet Kaur at the instance of his mother Karamjit Kaur and his father Ajitpal Singh and Jasvir Singh (petitioner) used to help them in the said act and sometimes they used to turn her out of the house. On 03.09.2020 he received information that his daughter Labhpreet Kaur had died. He along with his son Harwinder Singh, his wife and other respectables reached the in-laws house of his daughter at Mansa and found that her dead body was lying on the bed in the *Chaubara* and a *Chunni* was tied around her neck and the other half of the *Chunni* was hanging from the fan. There were injuries on her neck and blood stains on her feet and right hand. The complainant alleges that his daughter has been killed by hanging by her husband Inderjit Singh, mother-in-law Karamjit Kaur, father-in-law Ajitpal Singh and Jasvir Singh (petitioner) for bringing insufficient dowry.

The counsel for the petitioner has urged that the petitioner has been falsely implicated in the case. The complainant has levelled false allegations against the petitioner and there is no role attributable to the petitioner in the death of Labhpreet Kaur nor is there any instance of demand of dowry levelled against the petitioner. He has contended that Section 304-B IPC is not attracted against the petitioner since he is not a relative of the husband of the deceased, Labhpreet Kaur. He has also contended that after the withdrawal of the first petition for regular bail the circumstances have changed as the period in custody of the petitioner has increased and the charges have not been framed and the trial is not progressing.

Learned State counsel has opposed the bail petition and has submitted that the petitioner was apprehended on 18.09.2020 and had admitted that he had cut the *Chunni* with a knife. It is argued that out of several witnesses only three witnesses have been examined and the petitioner may abscond or influence the witnesses and therefore the petitioner ought not to be released on bail. The State counsel has also contended that the relationship, if any, between the petitioner and the husband of the deceased is a matter of trial which is in progress.

I have heard learned counsel for the parties.

In the present case the petitioner is alleging that he is not the husband nor the relative of the husband of the deceased Labhpreet Kaur and as such Section 304-B IPC is not attracted. The State counsel has submitted that the relationship, if any, of the petitioner with the husband of the deceased will be proved during the trial. The investigations stand completed and no further recoveries are to be made. There is no specific instance mentioned in the FIR when the petitioner harassed or beat the deceased Labhpreet Kaur. In view of the above and without commenting upon the merits of the case and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic and also the fact that the petitioner has been behind bars since 18.09.2020, no useful purpose would be served by keeping the petitioner behind the bars any further. This Court, therefore, deems this to be a fit case for grant 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 also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**(ALKA SARIN)
JUDGE**

**30th July, 2021
jk**

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