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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22410-2020 (O&M)
Date of decision : 22.11.2021

Sunil Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Hitesh Verma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

CRM-19331-2020

Application is allowed as prayed for.

CRM-21007-2021

Application is allowed as prayed for.

Annexure P-5 is taken on record.

CRM-M-22410-2020

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.521 dated 28.12.2019, under Sections 304-B and 120-B of the Indian Penal Code, registered at Police Station City Barnala, District Barnala.

As per the factual matrix of the case, the present FIR was registered by the complainant-Gourav Kumar, brother of the deceased-Pooja.

It has been alleged that his younger sister, Pooja, 24 years, got married 02 years ago with Sunil Kumar-petitioner. Thereafter, the in-laws started harassing her on account of dowry and within 15 days, she was thrown out of the matrimonial home. They moved one application before the Women Cell at Hanumangarh as well and thereafter, due to the intervention of the respectables, the compromise was also arrived at but the same did not make any difference and the harassment and cruelty to the deceased persistently going on. The complainant came to know that his sister has committed suicide. The FIR was lodged to take the action against the culprits. The investigation was carried out and on conclusion of the same, rest of the accused were exonerated by the Investigating Agency and the challan was presented only against the petitioner who is the husband. The petitioner approached the learned Additional Sessions Judge, Barnala for the grant of bail who declined the same vide order dated 23rd April, 2020. Aggrieved by the same, the present petition has been filed.

Learned counsel for the petitioner has vehemently contended that the petitioner is totally innocent and he has been implicated in a very well thought manner after due deliberations. He submits that the marriage took place in the year 2017 whereas, the unfortunate incident happened in 2019. He submits that the deceased was in fact suffering from Tuberculosis and remained under depression. He has drawn the attention of this Court to Annexure P-5 dated 3rd April, 2020 where during investigation, it was found that the deceased was suffering from dangerous disease, due to which, she remained under depression and the same resulted in committing suicide. However, he submits that as unfortunate death took place within 07 years of marriage, the petitioner had been falsely implicated for the offence under

Section 304-B IPC. He has submitted that the petitioner is behind the bars since 29th December, 2019 and now despite repeatedailable warrants and non-ailable warrants issued to the witnesses, they are not coming forward to depose before the trial Court.

Learned State counsel submits that the death took place within 02 years of the marriage and there are specific allegations of harassment, cruelty against the petitioner and therefore, the husband can be directly held responsible for the death of his wife. She submits that out of 26 prosecution witnesses, only one formal witness could be examined so far. She further submits that the petition be dismissed.

I have heard learned counsel for the parties and perused the records.

There is no denying to the fact that the deceased died within two years of the marriage. The contentions raised by learned counsel for the petitioner that the deceased died on account of depression would be examined only by the trial Court on the basis of the evidence led by the parties. However, it is apparent that this Court vide order dated 26th October, 2021 had directed the trial Court to examine the witnesses on the adjourned date i.e. 29th October, 2021.

Learned counsel for the petitioner had contended that the prosecution witnesses are not coming forward only in order to delay the trial.

In the overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. This Court finds that the petitioner is behind the bars from the last two years.

Keeping in view the abovesaid facts, this Court finds that learned counsel for

the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.11.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No