

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

206

CRM-M-27334-2020

Date of Decision:17.03.2021

Sanket Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr. Ranjit Singh Ghuman, Advocate,
for the petitioner.**

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.39 dated 17.03.2019 under Sections 304-B, 120-B IPC (the offences under Sections 302, 316 IPC were added later on), registered at Police Station Shimlapuri, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that after the registration of the case under Sections 304-B, 120-B IPC, the offences under Sections 302, 316 IPC have also been added in the case later on. He further submits that there is no allegation against the petitioner regarding the demand of dowry. The deceased has died because of injuries suffered by her as she slipped in the bathroom of her house on 23.08.2018. She was

DMC College. AT DMC College, petitioner was asked for Rs.1.5 lakh for her treatment, but he was unable to pay. Thereafter, the deceased was taken to Rajindra Medical College, Patiala and after examining her, doctor referred her to PGI, Chandigarh, where she died during treatment on 26.08.2018, whereas the present FIR has been registered against the petitioner on 17.03.2019 i.e. after a delay of more than about 07 months. Petitioner is in custody since 17.03.2019. Even otherwise, as against total 17 witnesses cited by the prosecution, not even a single witness has been examined. In this manner, trial is not likely to be concluded in the near future. He also submits that co-accused Neelam and other accused have already been admitted on bail by this Court, whereas the petitioner has been declined bail on the ground that he is the husband of the deceased.

Learned State Counsel does not dispute the custody period of the petitioner and stage of the trial. However, he informs the Court that the case before the trial court is now fixed for 21.04.2021 for evidence of the PWs. The deceased died within 07 years of marriage, therefore, the petitioner is not entitled for bail.

Heard learned counsel for the parties.

This Court has perused the order dated September 05, 2019 passed in **CRM-M-23745-2019(Neelam Versus State of Punjab)**, whereby co-accused Neelam has been admitted on bail. The medical record of the deceased attached with the petition filed by Balli Singh i.e. CRM-M-2568-2019(Balli Singh Versus State of Punjab and others)(Annexure P-2 attached with this), so as to take legal action on the complaint submitted by said Balli Singh, shows the cause of death of the deceased as “severe head injury”.

The issue as to whether the deceased has died because of injuries inflicted

by the petitioner and/or other co-accused or due to injuries suffered by her as she allegedly slipped in the bathroom of her house, is a matter to be established during the course of trial. Petitioner is in custody since 17.03.2019 and the present FIR was registered against the petitioner after a delay of about 07 months of the alleged incident. Further, as against total 17 witnesses cited by the prosecution, not even a single witness has been examined. In this manner, trial is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 17, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No