

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

(Heard through VC)

CRM-M-29163 of 2020 (O&M)

Date of Decision: April 19, 2021

Gaurav Adya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Chadha, Senior Advocate with
Mr. Akshay Chadha, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. A.K. Kalsi, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.219 dated 02.10.2017, under Sections 304-B, 120-B of Indian Penal Code (Section 302 of IPC added later on), registered at Police Station Division No.4, District Police Commissionerate Ludhiana, District Ludhiana.

Learned Senior counsel for the petitioner herein contends that the petitioner has been falsely implicated in the present FIR and was taken into custody on 02.10.2017. It is contended that the FIR has been registered on the allegations that the petitioner and his family members were harassing

the deceased, daughter of the complainant, on account of bringing inadequate dowry. It is argued that the complainant had suffered a statement to the effect that he had spent money beyond his capacity at the time of marriage of his daughter to the extent of 35 to 40 lacs and had given 40 tolas of gold in the wedding. However, the petitioner and his family members were not satisfied with the same and that there was a demand for the car. As per the FIR, when the complainant arrived at the hospital, his daughter had informed him that she has been administered poison by the petitioner herein, which is factually incorrect. Learned Senior counsel relies upon statement given by PW3 Dr. Sehmeet Singh stating that the patient was brought in a gasping state and was immediately intubated and put on the ventilator support system. Consented central line insertion was done for which consent was duly given by the petitioner. Counsel for the petitioner would rely upon cross-examination done of said PW3, which would reflect that the deceased remained unconscious when she was brought in the emergency ward and remained unconscious right through and, therefore, the possibility of the deceased informing her father, the complainant, of the administering of the poison was patently incorrect. It is also argued that postmortem report does not show any ante mortem injuries, while relying upon the statement given by the doctor that the injuries could have been occurred due to CPR, while stating that as per the record of the DMC and hospital, there was a surgical cut on the body of the deceased and the possibility of abrasions and bruises cannot be ruled out due to insertion, nor can the possibility of cut under the neck be ruled out on account of central line insertion.

Per contra, learned counsel appearing on behalf of the complainant vehemently argues that the petitioner and his family members were not satisfied with the dowry that was given at the time of marriage and there was continuous harassment, which led to the death within a period of two and half months of the marriage. It is argued that the deceased was brought to the hospital in a gasping state and that was when she informed her father, the complainant herein, that she has been administered poison. She, in fact, had called her father on a previous date that she was being harassed. Counsel for the complainant would also rely upon the postmortem report, which would reflect various bruises on the body of the deceased, which is nothing to do with the CPR done or the central line insertion. It is argued that the daughter of the complainant had been harassed on account of inadequate dowry and that is why she had been administered poison.

I have heard learned counsel for the parties and have also gone through the facts of the case.

In view of the facts that it will take sufficient time to conclude the trial and that the petitioner herein has been in custody since 02.10.2017 and also taking into account that statement of the material witnesses has already been recorded and statement of complainant has partly been recorded, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in the sum of ₹ 5 lacs with one surety in the like amount to the satisfaction of concerned trial Court/Duty

Magistrate. It is made clear that the petitioner and his family members will not try to intimidate or contact the complainant or his family members in any manner either direct or indirectly whatsoever, which will result in cancellation of this bail order of the petitioner.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

April 19, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No