

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-36700-2021
Date of decision:24.11.2021

Prabhjot Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.87, dated 31.05.2021 registered for offence under Section 304-B of IPC, 1860, at Police Station Kartarpur, District Jalandhar, Annexure P-1.

As per the version of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Mani Singh on the allegation that his sister Harjit Kaur was married to Prabhjot Singh (present petitioner) on 03.04.2016 and two sons were born out of the wedlock. Though at the time of marriage, dowry and other articles were given but Harjit Kaur was being harassed by Prabhjot Singh, who demanded more dowry and was in an adulterous relationship. Harjit Kaur used to share her plight with the complainant and a compromise was effected between the parties twice over. On 25.05.2021, when the complainant and his wife went to the matrimonial home of Harjit Kaur, they found that she was mentally

disturbed and not well, therefore, he brought her as well as her younger son with him and got her admitted in Sekhon Hospital, Kartarpur from where she was discharged after some medicines were prescribed to her. On 27.05.2021, her health deteriorated and she was admitted to Civil Hospital, Kartarpur, where she expired on 30.05.2021 at about 05.00 PM. The complainant panicked and on the advice of relatives got the FIR, Annexure P-1 registered.

Counsel for the petitioner submits that the petitioner, is an auto rickshaw driver and the elder child is staying with his family and he has been falsely involved on the allegation of dowry death, whereas the factual position is that his wife had expired at her brother's home because of a heart attack. He has referred to the opinion given by Civil Hospital, Nakodar on 06.08.2021, Annexure P-4, which is reproduced as under:-

“Dispatch No.3132 no poison detected in the contents of exhibits I, II, III, IV and V.

After receiving the chemical examination report the cause of death in this case is due to sudden cardiac death which is sufficient to cause death in ordinary course of nature.”

Counsel submits that the petitioner, who is young man of 25 years with unblemished antecedents and is suffering incarceration since 31.05.2021, deserves to be released on bail as the investigation is complete and the trial is likely to take time to conclude.

Per contra, learned State counsel upon instructions from ASI Kabal Singh, has opposed the petition and submitted that there are direct allegations of demand of dowry by the husband-petitioner and the fact that the death had taken place within 07 years of marriage clearly shows that Section 304-B IPC is attracted. Upon instructions, he has not been

able to dispute the medical opinion, Annexure P-4. Upon further instructions, he submits that challan has been presented on 27.08.2021, but the charge is yet to be framed.

I have considered the respective submissions of counsel for the parties.

Considering the above circumstances of the case, this Court is *prima facie* of the opinion that the material collected by the prosecution would remain debatable. Keeping in view the fact that the challan has been presented and the petitioner is suffering incarceration for the last more than 05 months, he would be entitled to be released on bail as the trial is yet to start.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

24.11.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No