

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

CRM-M-36866-2020(O&M)
Date of Decision: 2.9.2021

Jaspreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pradeep Virk, Advocate, for the petitioner.
Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.
Mr. Aditya Sanghi, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in FIR No.82 dated 30.4.2018 under Section 304-B IPC (Sections 498-A & 302 added later on) registered at Police Station Rama Mandi, District Police Commissionerate, Jalandhar.

The earlier petition filed by the petitioner was declined by this Court vide order dated 20.05.2019. The FIR in question was registered by Harvinder Singh, who is the father of the deceased Jaspreet Kaur. It has been alleged in the FIR that the marriage of his daughter Jaspreet Kaur was solemnized with the petitioner in November, 2014. After the marriage, her husband and parents-in-law started harassing her on account of demand of dowry. She was repeatedly being taunted in one or the other for not bringing

sufficient dowry. Though her husband i.e. the petitioner, knew everything but he kept on promising that same would be resolved during the course of the time. His daughter was complaining about the harassment and cruelty being suffered by her at the hands of her in-laws and finally on 30.04.2018, the complainant received information that his daughter has committed suicide. On the basis of the allegations, the FIR was lodged, the investigation commenced and finally challan was presented against the petitioner and his parents.

Thereafter, the petitioner approached the learned Sessions Judge, Jalandhar for seeking concession of regular bail, however, the same was declined vide order dated 29.11.2018, wherein it was observed that the allegations made against the petitioner are serious in nature. Aggrieved by the same, the petitioner filed CRM-M-55194-2018 for grant of regular bail before this Court. However, the same was declined vide order dated 20.05.2019. The petitioner has, thus, filed the present petition for grant of same relief.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR. He contends that the death in question has taken place after four years of the marriage. The body of the deceased was found hanging from the tap and, thus, it was a case of suicide and not a murder under Section 302 IPC as alleged. He submits that from the postmortem report, it is apparent that there were no external injuries found on the body of the deceased, which would show that no violence was committed with the deceased for the alleged strangulation. He further submits that viscera report sent for the examination and no poison was

detected in the same, that further shows that no foul play happened with the deceased. He submits that the petitioner is behind bars since 30.04.2018 and till date the trial is lingering on when the petitioner has almost completed incarceration of about 3½ years. He submits that the material witnesses already stand examined and even if it is assumed that there are serious allegations against the petitioner, then in the facts and circumstances, there cannot be said to have any apprehension from the petitioner of tampering with the ongoing trial in case he is released on bail.

Learned State counsel has vehemently argued that the present case is not only under Section 304-B but under Section 302 IPC as well. He submits that the bride died unnatural death within four years of marriage in the matrimonial home and thus, the contentions raised by learned counsel for the petitioner are not legally sustainable. However, he submits that the prosecution has cited all in 27 witnesses, out of which 10 witnesses have already been examined, which includes the examination of the complainant as well.

Learned counsel for the complainant has vehemently opposed the arguments advanced by the learned counsel for the petitioner and submitted that the petitioner is facing trial under Sections 304-B and 302 IPC. He has submitted that on similar grounds his prayer was already declined by this Court vide order dated 20.05.2019. He has argued that cause of death was due to asphyxia as a result of strangulation. He submits that once the cause of death is found to be due to strangulation then there is no question of suicide by hanging as being projected by learned counsel for the petitioner. He further submits that the bride died within four years of her

marriage due to harassment and cruelty caused by her in-laws since beginning. He has submitted that the case in hand is not a simplicitor dowry death but a murder committed by her in-laws. Finally, he submits that the present petition be dismissed.

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

There is no gainsaying that the deceased died unnatural death within four years of her marriage in her matrimonial home. The petitioner is the husband and his parents, who are also accused in the FIR, the father has been granted interim bail, whereas the mother is on bail. The petitioner is facing trial for the offences under Sections 304-B and 302 IPC. The respective assertions made by the prosecution as well as the defence would be established only on the conclusion of the trial and no opinion on the merits of the case can be expressed while dealing with the prayer for the bail. The main concern of the Court would be to allow the fair trial. It cannot be lost sight that the petitioner is behind bars since 30.04.2018. As per the admitted position, the material witnesses including the complainant have already been examined and thus, there cannot be any apprehension of tampering with the evidence when those witnesses already stand examined. There is nothing on the record that the petitioner has any other case also in which is facing or has faced trial. However, the examination of rest of the witnesses would also take some more time in the conclusion of the trial. Keeping in view the overall facts and circumstances of this case, and the incarceration period suffered by the petitioner, this Court finds that the petitioner deserves to be enlarged on bail till the conclusion of the trial.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

(RAJESH BHARDWAJ)
JUDGE

2.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No