

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

CRM-M-42990-2021

Date of Decision: October 12, 2021

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.J.S.Brar, Advocate
for the petitioner.

Mr.M.S.Nagra, DAG, Punjab.

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RAJESH BHARDWAJ, J.

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

Present petition has been filed praying for grant of anticipatory bail to the petitioner in case FIR No.50, dated 14.08.2021, under Sections 304-B, 120-B IPC, registered at Police Station Talwandi Bhai, District Ferozepur.

The FIR in question was lodged by Nishan Singh S/o Baldev Singh. It was alleged that they are two brothers and two sisters and his sisters Manpreet Kaur and Sumanpreet Kaur are married. His sister Sumanpreet Kaur was married on 09.04.2017 with petitioner-Gurpreet Singh. Though during marriage sufficient dowry was given as per their capacity, however, the in-laws of his sister Sumanpreet Kaur started demanding the dowry, thus, causing harassment and cruelty to his sister.

Besides this, the petitioner, who was said to be habitual of taking intoxicants, used to beat his sister. Having not been able to bear the harassment, his sister Sumanpreet Kaur committed suicide on 11.08.2021. The FIR was lodged with a prayer to take legal action against the accused. Apprehending the arrest, the petitioner filed petition under Section 438 Cr.P.C. before the learned Additional Sessions Judge, Ferozepur, who declined the same vide its order dated 28.09.2021.

Counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the FIR. He would submit that the petitioner was not even present at home at the time of incident and he has gone for his occupation. He would submit that there is an unexplained delay of three days in lodging the FIR and the same has been lodged after due deliberations only in order to falsely implicate the petitioner. He would submit that the petitioner caused no harassment or cruelty to the deceased, as alleged, and he is ready to join the investigation and cooperate with the Investigating Agency.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He would submit that the deceased died an unnatural death within four years of the marriage on account of harassment, cruelty caused due to the demand of dowry. He would submit that in view of the provisions of Section 113-B of the Evidence Act, the petitioner has no case for grant of anticipatory bail. He would submit that for a thorough investigation, custodial interrogation of the petitioner is required.

I have heard learned counsel for the parties and have perused

The marriage in question took place on 09.04.2017 whereas the deceased committed suicide on 11.08.2021. There are specific allegations regarding cruelty and harassment caused to the deceased on account of demand of dowry. It is further alleged that the petitioner is addicted to intoxicants and he used to beat the deceased repeatedly. In view of the provisions of Section 113(B) of the Evidence Act, the allegations against the petitioner are serious in nature. For unraveling the truth, thorough investigation is required.

The facts and circumstances of the case do not qualify for grant of anticipatory bail on the anvil of provisions of Section 438(1) Cr.P.C. The petition being devoid of any merit is, hereby, dismissed.

(RAJESH BHARDWAJ)
JUDGE

October 12, 2021
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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether Reportable? | Yes/No |