

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-51220 of 2021
Date of decision:14.12.2021

Lakhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.B.S.Mann, Advocate
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.14 dated 09.02.2021 registered under Sections 304-B and 34 of Indian Penal Code, 1860 at Police Station Kotbhai, District Sri Muktsar Sahib (Annexure P-1).

Criminal law has been set in motion, on the complaint submitted by Sukhdev Singh, father of deceased Manpreet Kaur, on the allegation that his daughter was married to Lakhwinder Singh (present petitioner) about three months ago and was harassed by him and his parents for dowry. A few days before Lohri, Manpreet Kaur came to her parental village and told her parents that her husband and mother-in-law, are pressurizing her to bring air conditioner in dowry. On 07.02.2021, the complainant came to know that his daughter has consumed poison and had

been shifted to a hospital and when her condition turned serious, she was admitted in DMC Ludhiana, where she expired.

Counsel for the petitioner submits that a false case has been registered against the petitioner and the allegation against him is that a demand for air conditioner was being made in the month of January, which is highly unbelievable. He has made a reference to the testimony of Sukhdev Singh, complainant and Gurwinder Kaur, Annexures P-1 and P-2, who are parents of the deceased to submit that in their examination-in-chief before the Court, they have specifically stated that no dowry was given nor any such demand has been made by the petitioner or his family members. He submits that it has been further stated by the said witnesses that their daughter was never harassed, rather, she was a patient of depression, who was on medication and she accidentally consumed some poisonous substance. Counsel has also made a reference to the cross-examination of the said witnesses, wherein, they have stated that in-laws of their deceased daughter tried their level best to save her life and took her to different hospitals. Counsel submits that the petitioner, who is in custody since 11.02.2021, has an unblemished past and is no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Baj Singh, submits that serious and grave offence has been committed by the petitioner, who is the main accused and has been specifically named in the FIR. He, however, could not deny the fact that both the material witnesses, have not supported the prosecution and on the request of the Additional Public Prosecutor, they have been declared to be hostile. Upon further instructions,

he submits that 04 out of total 19 prosecution witnesses, have been examined.

Having considered the above circumstances, the Court is *prima facie* of the view that the complicity of the petitioner in the crime, would remain debatable. The material witnesses have been examined, who have been declared to be hostile and the petitioner, who is in custody for the last more than 10 months, would be entitled to be released on bail as the trial is at the initial stage and is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and 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 a reflection of opinion on the merits of the case.

December 14, 2021

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes