

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

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CRM-M-3803-2022 (O&M)

Date of decision: 05.05.2022

Sukhdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akshay Chadha, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Varun Mittal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-16463-2022

For the reasons mentioned in the application, the same is allowed and copies of cross-examination of the father-in-law and mother-in-law of the petitioner are taken on record as Annexures P-8 and P-9 respectively subject to all just exceptions.

CRM-M-3803-2022

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.41 dated 09.06.2020 lodged under Sections 304-B IPC registered at Police Station Sudhar, Ludhiana Rural, District Ludhiana.

The earlier petition seeking similar relief under Section 439 Cr.P.C. was dismissed as withdrawn on 16.09.2021.

Learned counsel for the petitioner submits that subsequent to the withdrawal of the previous petition prosecution witnesses

including the complainant stand examined before the trial Court. He further submits that 16 prosecution witnesses have been cited by the investigating agency and there is no likelihood of the trial concluding in the near future as 12 more prosecution witnesses remain to be examined. Learned counsel submits that no doubt the petitioner and his wife Baljit Kaur (since deceased) had been married for about 04 years, however, not even once was any complaint made by either the deceased herself or the complainant qua the alleged torture and harassment. While drawing the attention of the Court to the contents of the FIR (Annexure P-1) learned counsel submits that totally vague allegations have been levelled therein inasmuch as on one hand it has been alleged that the deceased was harassed by the petitioner for not getting enough dowry and in the same breath it has been alleged that since the petitioner was a drug addict he would harass his deceased wife. Learned counsel still further submits that the allegations levelled that the petitioner demanded Rs.3 lakhs from the family of the deceased stood belied from the fact that Rs.3 lakhs were returned to the complainant by way of two cheques on 03.08.2016 i.e. much prior to the occurrence in question. Learned counsel still further while inviting the attention of this Court to the deposition of the complainant and his wife as PW1 and PW2, submits that they had admitted during their deposition (Annexures P-8 and P-9) that the amount of Rs.3 lakhs had been taken as the petitioner and his wife i.e. the deceased were wanting to migrate to Canada and thus the said amount was required for visa etc. but since they were unable to get the visa, Rs.3 lakhs was returned to them. Learned counsel thus submits that the allegations pertaining to

demand of money stood demolished by the evidence of the prosecution witnesses themselves.

Learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite has not been able to dispute the contents of the deposition of both these material witnesses i.e. PW8 complainant and PW9 mother wherein they have admitted that the money had been given by the complainant to the petitioner as it was required for the immigration of the petitioner and his wife for Canada and that the said amount was returned soon thereafter once the Canadian visa had been declined. However, learned State counsel submits that the deceased had died an unnatural death within 07 years of her marriage and hence presumption under Section 113-B IPC would have to be drawn against the petitioner.

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

In the facts and circumstances as enumerated hereinabove coupled with the fact that both the material witnesses stand examined, this Court deems it fit to extend the concession of bail to the petitioner as further incarceration of the petitioner would not serve any useful purpose. The petitioner has been in custody for almost 02 years having been arrested on 09.06.2020. Fourteen prosecution witnesses remain to be examined. Therefore, the trial will take considerable time to conclude. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate

concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.05.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No