

SAHIL GULATI

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Trikha, Advocate and
Mr. Jashan Chopra, Advocate for the petitioner.

Mr. Amit Shukla, AAG Punjab.

Mr. Amit Puri, Advocate and
Mr. G.S.Ahluwalia, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 329 dated 23.08.2020 under Sections 304-B (302 IPC added later on), registered at Police Station Zirakpur, SAS Nagar, Mohali.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that the marriage of the deceased was solemnized with the petitioner on 30.06.2014 i.e. about 6½ years prior to the occurrence. There are allegations to the effect that the petitioner had been raising demand of dowry and even the parental family of the deceased had been financially supporting and supplementing in his business avenues. The allegations are to the effect that deceased was forcibly administered harpic but significantly the viscera was never sent for chemical examination. As per the report of the Doctor, the cause of death is stated to be combined effect of corrosive poisoning and strangulation which

was ante mortem and sufficient to cause death in the ordinary course of nature. Furthermore, at the time of post-mortem examination, incised wound was also found on the left forearm. Besides, the petitioner had donated liver to his mother-in-law in the year 2017. The deceased had committed suicide on account of depression. The petitioner is in custody for a period of 1 year, 11 months and 22 days and is not involved in any other case.

Learned State counsel and counsel for the complainant have opposed the bail application on the score that the death has occurred otherwise than under normal circumstances within a period of 7 years from the date of marriage. There are specific and categoric allegations against the petitioner with regard to demand of dowry. The charge has been framed under Section 304-B IPC and in the alternative under 302 IPC. So far only 2, out of 16 witnesses have been examined.

It is significant to note that one of the cause of death has been stated to be poisoning without the examination of the viscera by the Chemical Examiner. Furthermore, the petitioner is stated to be having cordial relations with the parental family of the deceased as he had also donated his liver to his mother-in-law. So far only 2, out of 16 witnesses have been examined by the prosecution, the petitioner is in custody for a period of 1 year, 11 months and 22 days and is not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making

any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

07.12.2022
Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No