

CRM-M-13492-2021

(1)

Date of decision: 08.03.2022

PAWAN MAHATO

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

(2)

CRM-M-43817-2021

CHINTA DEVI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashish Pal Kaushal, Advocate
for the petitioner(s).

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner(s) have been circulated in Court today and the same are taken on record.

Pawan Mahato, the husband and Chinta Devi, the mother-in-law of the deceased are seeking regular bail in the case bearing FIR No. 168 dated 27.09.2019 under Sections 304-B/34 IPC, 1860, registered at Police Station Division No.3, District Police Commissionerate Ludhiana.

Briefly, the case has been registered on the basis of the statement of Rajesh Kumar Mahato alleging that the deceased was his niece whose parents had passed away about 10 years ago. He performed marriage of the deceased on 24.02.2018 with Pawan Mahato-petitioner and they started residing at Ludhiana. The sister of the complainant informed him that Pawan Mahato-petitioner used to harass the deceased without any reason and on the pretext of bringing less dowry and also used to give beatings to her. On 25.09.2019 at about 10:00 AM, the

complainant received a telephonic message with regard to the death of his niece. It

has been alleged that the petitioners along with Naresh Kumar Mahato, the father-in-law and Rani Kumari, the sister-in-law of the deceased have killed her and given the shape of hanging to hide the truth.

Learned counsel for the petitioner(s) contends that Pawan Mahato-petitioner is in custody for the last 02 years, 05 months and 06 days whereas Chinta Devi-petitioner is in custody for a period of 10 months and 19 days. Moreover, there are general allegations with regard to demand of dowry and there is no specific imputation against any of the petitioners.

Learned State counsel has opposed the bail applications on the score that the cause of death in the instant case is *asphyxia* due to hanging which was *ante moterm* in nature and sufficient to cause death. The death has occurred within a period of 1 ½ years from the date of marriage and there are allegations to the effect that the petitioners have been subjecting the deceased to cruelty on account of demand of dowry.

It is significant to note that at the earlier instance, the arrest of Pawan Mahato-petitioner was effected and on conclusion of investigation, the challan was presented against him. The charge under Section 304-B IPC and in the alternative 302 IPC is stated to have been framed against him. Subsequently, Chinta Devi-petitioner along with her husband were also arrested and thereafter, supplementary challan has been presented against them. The perusal of FIR indicates that there is no allegation of demand of specific article of dowry levelled against the petitioners and even no specific instance of maltreatment or harassment has been mentioned therein. Furthermore, the intimation with regard to maltreatment was given to the complainant by his sister. The FIR is silent as to whether at any point of time the deceased had herself informed any of her relatives from parental family with regard to alleged maltreatment meted out to

her on account of demand of dowry at the instance of the petitioners. Pawan Mahato-petitioner is in custody for a period of 02 years, 05 months and 06 days whereas Chinta Devi-petitioner is in custody for a period of 10 months and 19 days. It has been stated that out of 16, no witness has been examined till date and as such, the conclusion of the trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioners.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petitions are allowed accordingly.

08.03.2022
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(VIVEK PURI)
JUDGE

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