

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(209)

CRM-M-10912-2020  
Date of decision:- 06.05.2022

Lakhvir Singh @ Tarun

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. N.S.Shekhawat, Senior Advocate with  
Mr.Kushagra Beniwal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

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**SUVIR SEHGAL, J. (ORAL)**

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No. 45 dated 17.04.2019, registered for offences under Sections 302, 201 and 34 of the Indian Penal Code, 1860 (Section 304-B, IPC was added later on), at Police Station Shambhu, District Patiala, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Rajesh Kumar on the allegation that his eldest daughter, Nancy, aged 20 years, had performed a runaway marriage with Lakhvir Singh @ Tarun (present petitioner) about seven months ago. Her husband, in-laws and other relatives used to harass and physically assault her. On 16.04.2019 at about 07:30 P.M., he received information from his sister, Kamlesh Rani, that his daughter, Nancy, has been killed by her in-laws family and they are going to cremate her. Accompanied by his friends, when he reached the matrimonial village on his daughter, he found that the body had already been cremated.

Learned senior counsel representing the petitioner has argued that there is no allegation of harassment of the deceased nor is there any accusation of demand of dowry in the FIR and these allegations were levelled by the complainant in the supplementary statement, Annexure P-2, which was recorded a day after the lodging of the FIR. Reference has been made by him upon the testimony of Baljit Kaur, Annexure P-12, mother of the deceased, as well as Kamlesh Rani, aunt of the deceased (sister of the complainant), Annexure P-13, who have been examined as PW-2 and PW-3, respectively, to submit that in their cross-examination, they have admitted that there was no harassment on account of dowry. He contends that there is no foul play and death took place as Nancy accidentally fell from the roof of her matrimonial home. Learned senior counsel contends that the petitioner is in custody since 18.04.2019, crucial witnesses have been examined and the trial is likely to take time to conclude, therefore, the petitioner deserves to be enlarged on bail.

*Per contra*, learned State counsel, upon instructions received from ASI, Angrej Singh, has opposed the petition on the ground that the petitioner is the main accused and is alleged to have committed a heinous crime. He has invited the attention of the Court to the testimony of the complainant, who has supported the case of the prosecution. As per instructions received by him, four out of twenty prosecution witnesses have been examined.

Having heard counsel for the parties, this Court is of the view that the involvement of the petitioner in the crime would remain a subject matter of debate before the Trial Court and the petitioner, who is in custody for the

last more than three years, would be entitled to be enlarged on bail as material witnesses have been examined and there is a remote possibility of an early conclusion of trial.

Without adverting to the arguments addressed by counsel for the parties, petition is allowed.

Petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

06.05.2022

Kamal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |