

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13793-2022

Date of decision : 14.12.2022

Paramjit Singh @ Pamma

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. K.R. Dhawan, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.122 dated 25.10.2020, under Sections 498-A, 304-B of IPC and in alternative Section 302 IPC, registered at Police Station City Zira, District Ferozepur.

As per the facts of the case, the complaint was lodged by father of the deceased namely, Gurmail Singh wherein it was alleged that he solemnized marriage of his daughter Rajinder Kaur Romi on 12.12.2018 with Balkar Singh @ Babbu. After the marriage, the in-laws of his daughter started harassing her on account of demand of dowry. She used to be beaten for bringing more dowry. His daughter told him time and again that her in-laws are greedy for dowry and they are not allowing her to settle in the matrimonial home and repeatedly they pressurized her to bring Rs.1,00,000/-. He along with his son and some respectable persons convened Panchayat with in-laws of his daughter so as to resolve the dispute, however, the same did not materialize. Thereafter, on the date of occurrence, he received a telephonic call from his son-in-law

Balkar Singh @ Babbu that his daughter is unwell. On receiving the phone call, they reached the matrimonial home of his daughter and found his daughter lying dead on the bed. It was alleged that due to continuous demand of dowry, his daughter was harassed and beaten up and thus, she was compelled to commit suicide by her in-laws. Request was made to register the case and take legal action against the accused. On the basis of the complaint, formal FIR was lodged and the investigation commenced. The husband, brother-in-law and mother-in-law of the deceased were arrested. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge for grant of anticipatory bail, however, the same was declined thereafter. Petitioner approached this Court for grant of anticipatory bail and this court vide order dated 06.01.2021 granted interim protection to the petitioner by observing that no coercive steps would be initiated against the petitioner in the instant FIR. The trial *qua* rest of the accused commenced, however, the petitioner was never joined in the investigation by the investigating agencies. Thereafter, the trial *qua* rest of the accused culminated in the acquittal of all the three accused vide order dated 25.02.2022. As the petitioner was already on interim protection, the petitioner was declared innocent and hence, petition filed for grant of anticipatory bail was disposed of as infructuous on 09.09.2021 but thereafter, the investigating agencies started raiding the house of the petitioner to arrest and hence, he filed an application for recalling the order dated 09.09.2021 and this Court vide order dated 09.02.2022 granted the petitioner 10 days time to appear before the trial Court. Resultantly, he appeared but he was not granted bail and thus, was

taken into custody on 07.03.2022. He approached the learned Additional Sessions Judge, Fast Track Court, Ferozepur praying for grant of bail, however, after hearing both the sides, the same was declined by learned Additional Sessions Judge, Fast Track Court, vide order dated 24.03.2022. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

It has been vehemently contended by counsel for the petitioner that petitioner before this Court is father-in-law of the deceased who had been falsely implicated in this case. He submits that though the daughter-in-law of the petitioner committed suicide within seven years of marriage, however, from the bare reading of the allegations in the FIR, it is apparent that there are no specific allegations against the petitioner. He submits that on account of the same, he was granted interim protection by this Court and trial also commenced regarding rest of the three co-accused. He has submitted that in all three co-accused have already been acquitted by the trial Court vide order dated 25.02.2022 which includes the husband, mother-in-law, brother-in-law of the deceased. He further submits that the petitioner never disobeyed any order of this Court. However, the investigating agencies never called the petitioner for joining the investigation and the statement was made that the petitioner has been found innocent and on account of the same, the petition filed by the petitioner for grant of anticipatory bail was rendered infructuous. He submits that thereafter in a mischievous manner the investigating agencies started raiding the house of the petitioner to arrest him and resultantly, he was put behind bars. He has submitted that on the same set of allegations the co-accused have already been acquitted by the trial

Court and the petitioner is father-in-law against whom there are no specific allegations. He submits that in the overall facts and circumstances, no presumption under Section 113-B of the Evidence Act is attracted. He further submits that the petitioner has no criminal antecedents and investigation *qua* him now stands completed and the challan is also presented. He submits that keeping in view the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

Learned State counsel, however, has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly named in the FIR since beginning. Simply because, he was granted the interim protection by this Court does not entitle him to claim innocence. He submits that as there was order not to take coercive action, it is because of the same, he could not be joined in the investigation by the investigating agencies. He candidly acknowledges that three co-accused have already been acquitted, however, now the trial *qua* the petitioner is in progress and out of 25 prosecution witnesses, 01 witness already stand examined. He further submits that as per instructions provided, the petitioner is not involved in any other case.

Heard. Petitioner before this Court is father-in-law of the deceased. Co-accused i.e. husband, mother-in-law, brother-in-law of the deceased have already been acquitted by the trial Court. Petitioner was granted interim protection by this Court by observing that no coercive action be taken against him. This Court granted 10 days time to the petitioner to appear before the Court where he duly appeared. However, he was taken into custody by the trial Court. There is nothing on record to

show that the petitioner has any criminal antecedents.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence led by both the parties before the trial Court. The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

14.12.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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