

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

212

**CRM-M-17951-2022
Decided on : 23.05.2022**

Pardeep Kumar @ Deepu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shubreet Kaur, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C., for grant of concession of bail to the petitioner, in case FIR No.96, dated 07.12.2020, under Sections 304-B & 34 of IPC, registered at Police Station Sadar Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner submits that subsequent to the dismissal of the previous petition under Section 439 Cr.P.C. on 05th July, 2021, prosecution evidence has commenced and the complainant i.e. father of the deceased stands examined before the trial Court.

Learned counsel *inter alia* contends that a perusal of the allegations levelled in the FIR in question (annexed as Annexure P-1) leave no manner of doubt that totally false and exaggerated allegations have been levelled therein by the complainant, in the heat of the moment, on account of emotions running high due to the unfortunate death of his daughter. She further contends that it is a matter of record and not disputed by even the complainant party that prior to the

occurrence in question i.e. 07th April, 2020, no complaint was ever made by them, much less, any panchayat convened between the parties *qua* the alleged harassment and torture meted out to the deceased at the hands of her husband i.e. the petitioner or his family. Learned counsel submits that as per the allegations levelled by the complainant, a day prior to the occurrence in question, the petitioner had left the deceased at her parental home. While leaving her, the petitioner had allegedly demanded that Rs.50,000/- be arranged by evening. Since the complainant party was unable to arrange for Rs.50,000/-, the petitioner allegedly expressed his displeasure and annoyance. Learned counsel submits that the aforementioned allegations of a demand of Rs.50,000/- having been made just a day prior to the occurrence in question (i.e. 06.04.2020), when the petitioner left his deceased wife in her parental house, stands belied from a whatsapp message exchanged between her and the petitioner on 06th April, 2020, wherein, it clearly stands reflected that in fact, it was not the petitioner, who had left the deceased at her parental home, as alleged by the complainant, but she had gone to her parental home with none other than her own brother namely 'Prince' for getting her voter card prepared. In support, learned counsel has drawn the attention of this Court to the said whatsapp message, which has been annexed with the petition as Annexure P-3, wherein, the deceased has messaged the petitioner that her brother Prince had taken her to the parental house for the preparation of her voter Id card. Learned counsel submits that when the whatsapp messages were put to the complainant during his cross-examination, he was unable to give any satisfactory explanation *qua* the same, except for simpliciter denial.

Learned counsel submits that even no suicide note was recovered, from which an adverse inference could have been drawn against the petitioner. She also submits that in the FIR, the complainant had tried to implicate the entire in-laws family of his deceased daughter, however, during investigation, everyone except the petitioner were challaned. She submits that the petitioner has been in custody since 08th December, 2020 and his further incarceration would not serve any useful purpose, since the sole material witness i.e. the complainant stands examined and 20 prosecution witnesses still remain to be examined.

Per contra, learned State counsel while opposing the prayer, on instructions, submits that the deceased committed suicide within 08 months of marriage with the petitioner. He, thus, submits that a presumption under Section 113-B of the Evidence Act, would have to be drawn against him. He, however, has not been able to controvert the submissions made by the counsel opposite *qua* the contents of the whatsapp messages (Annexure P-3) exchanged between the petitioner and his wife i.e. the deceased. He has conceded that the said whatsapp message was also put to the prosecution witnesses during their cross-examination before the trial Court. Learned State counsel has also conceded that prior to the occurrence in question, no complaint had been made by the complainant party against the accused *qua* the alleged mental and physical harassment. He submits that the next date of hearing before the trial Court is 02nd June, 2022, when two more prosecution witnesses have been summoned.

I have heard learned counsel for the parties and perused the

relevant material on record.

Out of the 25 prosecution witnesses, only 05 witnesses stand examined including the complainant. The petitioner has been in custody for almost 1½ years having been arrested on 08.12.2020. The trial is unlikely to conclude in the near future. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner is 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.

23.05.2022

J.Ram

(MANJARI NEHRU KAUL)
JUDGE

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