

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(119+215)

CRM-M-20284-2021 (O&M)
Date of decision:- 31.01.2022

Sukhmander Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jatinder Pal Singh, Advocate for the applicant-petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab

...

SUVIR SEHGAL, J. (ORAL)

Heard through video conferencing.

CRM-2819-2022

For the reasons given in the application, it is allowed.

Testimony of the complainant, Gagandeep Singh (PW-1), is taken
on record as Annexure P-13.

CRM-M-20284-2021

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.92 dated 09.05.2020 registered for offences under Sections 304-B and 34 of the Indian Penal Code, 1860, at Police Station City Moga, District Moga, Annexure P-1.

As per the version of the prosecution, FIR, Annexure P-1, has been registered on the statement of Gagandeep Singh on the allegation that he had brought up his niece, Amandeep Kaur, who was an orphan, and performed her marriage with Sukhmandar Singh, present petitioner, in the year 2017. He gave sufficient dowry at the time of the marriage and a child

was born out of the wedlock. After marriage, the husband and other members of the in-laws family started demanding more dowry and harassing Amandeep Kaur. About one month earlier, the mother-in-law and other relations came to the house of the complainant and made a demand of Rs.5 lacs to pay off a loan to which the complainant protested. On 09.05.2020 at about 04:15 A.M., he received a call that Amandeep Kaur is not well and he later came to know that she had expired. He suspects that she has been killed by her husband and his relatives by administering poison.

Counsel for the petitioner submits that the petitioner has been falsely framed and no complaint regarding demand of dowry or harassment had been made at any time prior to the registration of the present FIR. He has also referred to the statement of a medical practitioner, S. Babar Singh Bhogal, Annexure P-7, wherein he stated that on 08.05.2020, the deceased was admitted in his hospital in the afternoon, as she was vomiting and had diarrhoea. The doctor stated that she was treated at the hospital and discharged on the request of the family members since she was breast feeding her child, and the next morning, when she was again brought to the hospital, she was found to be no longer alive. Counsel has relied upon the testimony of the complainant, Annexure P-13, to urge that the complainant has deposed that the deceased was suffering from mental disorder and stress due to which she consumed poison and unfortunately expired, and that the petitioner and his relatives are not responsible for her death. He asserts that the petitioner, who is in custody since 12.11.2020, is no longer required for custodial interrogation and deserves to be enlarged on bail.

Per contra, learned State counsel, upon instruction from, ASI, Lakhwinder Singh has opposed the petition and submitted that there are specific allegations against the petitioner of harassing and ill-treating his wife for dowry and her death has taken place within seven years of the marriage, therefore, the offence under Section 304-B is attracted. As per his instructions, the Viscera Report is awaited. Upon further instructions, he submits that out of the twenty prosecution witnesses, only the complainant has been examined.

Having considering the circumstances of the case, the statement of the complainant, the nature of allegations and the period of incarceration of the petitioner, which is more than one year and two months, and also the fact that the trial is likely to take time to conclude, this Court is of the view that the petitioner deserves to be enlarged on bail.

Petition is allowed.

The petitioner, namely, Sukhmandar Singh, is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

31.01.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No