

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

(Sr. No. 216)

CRM-M No. 23089 of 2022

Date of decision : 29.10.2022

Sunil

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Baljit Mann, Senior Advocate with
Mr. Anmol Partap Singh Mann, Advocate for the petitioner.
Mr. Vinay K. Gupta, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 111 dated 23.07.2021 registered under Section 304-B IPC at Police Station Sadar Kotkapura, district Faridkot.

The petitioner is being prosecuted under Section 304-B IPC and in the alternative under Section 306 IPC on account of the suicide of his wife within 07 years of their marriage.

Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case simply on account of the burst of emotions by the complainant on the suicide of his daughter; the petitioner has no other criminal antecedents; the petitioner is a postgraduate; at the time of the alleged occurrence he was serving as Station Master at Faridkot; he has an unblemished service record; in the

postmortem report the deceased did not have any injury on her person to support the allegations of murder; as per the postmortem report the deceased died due to asphyxia upon getting hanged which falsifies the prosecution story that the petitioner murdered her before staging her hanging; the allegations of demand of dowry by the petitioner are falsified when the deceased's father has admitted in his cross-examination that a cheque for Rs.1.50 lakhs given to the petitioner at the time of marriage was never encashed by him; the petitioner is in custody since 26.07.2021; all the material prosecution witnesses, which include the deceased's father, brother and brother-in-law, have since been examined before the Trial Court; the cause behind the deceased's suicide is yet to be determined and that in the light of the afore submissions further incarceration of the petitioner is unnecessary.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he harassed the deceased for bringing less dowry and then murdered her as also after murdering her staged her suicide.

After considering the afore rival submissions and in particular that the petitioner is a postgraduate; at the time of the alleged incident he was serving as a Station Master at Faridkot; he has an unblemished service record; he has no other criminal antecedents; he is in custody since 26.07.2021; all the material prosecution witnesses in the petitioner's trial, which include the deceased's father, brother and brother-in-law, have since been examined and that the cause behind the deceased's suicide would be debated and then determined at the end of the petitioner's trial, the present

case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Faridkot, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

29.10.2022
sunil yadav

(DEEPAK SIBAL)
JUDGE

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