

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

216

**CRM-M-23138-2022
Date of decision: 27.07.2022**

Desh Raj

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. K.K. Beniwal, AAG, Punjab.

Mr. Anil Kumar Bhardwaj, Advocate and
Mr. Kuldeep Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.114 dated 14.08.2020 lodged under Sections 304-B and 34 IPC registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner *inter alia* contends that on the face of it, a false case has been planted upon him which is evident from the fact that in a compromise (Annexure P-1) which was purportedly effected between the parties just a few days prior to the occurrence in question it was only mentioned by none other than the deceased, that after her marriage with her husband co-accused Vipin Kumar, her parents-in-law including the petitioner would quarrel with her on minor issues and there was not even an iota of whisper qua any mental or physical cruelty much less for dowry demands. Hence, the essential ingredients to attract the mischief of Section 304-B IPC were

clearly amiss in the case in hand. He further submits that it is only after the daughter-in-law of the petitioner i.e. the deceased, committed suicide, exaggerated allegations were levelled in the FIR in question regarding dowry demands etc. on account of passions running high. He further submits that the petitioner, aged about 57 years, has been in custody since 16.08.2020 and 24 prosecution witnesses remain to be examined. He submits that further incarceration of the petitioner in the circumstances would serve no useful purpose as all the four material witnesses including the complainant stand examined and thus there is no likelihood of the petitioner tampering with material evidence much less trying to influence the witnesses to depose in his favour.

Per contra, learned State counsel assisted by learned counsel for the complainant on instructions while opposing the prayer and submissions made by the counsel opposite, submits that the deceased died an unnatural death by hanging herself, within two years of her marriage. Learned State counsel has, however, not been able to controvert the factum of no allegations having been levelled qua any harassment on account of dowry demands, in the compromise annexed as Annexure P-1 and which was supposedly effected, just a week prior to the occurrence in question. However, he submits that in the FIR in question as well as while stepping into the witness box as PW-1, the complainant did level allegations of the deceased being subjected to mental and physical harassment by all the accused including the petitioner. Ld. State counsel has not disputed that all the four material witnesses stand examined and 24 prosecution witnesses cited remain to be examined.

Learned counsel appearing for the complainant while opposing the prayer has vehemently argued that the petitioner was the main culprit, who did not let the deceased lead a happy married life with her husband and thus he did not deserve to be extended the concession of bail.

I have heard learned counsel for the parties and perused the material placed on record.

Admittedly, all the four material witnesses including the complainant stand examined and the trial will take considerable time to conclude in view of the fact that as many as 24 prosecution witnesses cited by the prosecution are yet to be examined. In the aforementioned facts and circumstances, this Court thus deems it fit to extend the concession of bail to the petitioner as his further incarceration would serve no useful purpose in addition to the fact that he has been in custody since 16.08.2020.

The instant petition is allowed. The petitioner be 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.

27.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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