

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

CRM-M-30323-2022 (O&M)
Decided on : 12.12.2022

Himmat Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.S.Rangi, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl. AG, Punjab.

Mr. Bal Krishan Mehta, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

CM-34224-2022, 35049-2022 and 41227-2022

Application(s) is allowed as prayed for. Annexures P-13 to P-24 are taken on record subject to all just exceptions.

Main case

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.36 dated 10.05.2020 under Sections 304-B, 120-B IPC (Sections 498-A and 201 IPC added later on) registered at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner submits that subsequent to the withdrawal of previous petition on 13.01.2022, all the material

witnesses stand examined.

Learned counsel appearing for the petitioner *inter alia* contends that totally false allegations have been levelled in the FIR in question that on account of mental harassment meted out to the deceased Neha (wife of the petitioner), she ended her life by suicide in her matrimonial home. He submits that in fact the deceased was suffering from depression, which was one of the reasons behind her suicide. While inviting the attention of this Court to the evidence of Ankush -PW-1, brother of the deceased, learned counsel submits that this witness had during his cross-examination admitted that prior to the occurrence in question, the deceased had never informed them telephonically or even otherwise qua being subjected to the alleged harassment on account of dowry demands. Learned counsel further submits that only 12 out of 26 prosecution witnesses have been examined so far and hence, there is no likelihood of the trial concluding in the near future. It has also been submitted that the petitioner has now been in custody for more than 2½ years having been arrested on 11.05.2020 and in the light of all the material witnesses having been examined, his further incarceration would serve no useful purpose. Learned counsel submits that similarly situated co-accused i.e. Parents, sister, brother and brother-in-law of the petitioner have already been granted the concession of bail.

Per contra learned State counsel assisted by counsel for the complainant while opposing the prayer and submissions made by counsel opposite on instructions from ASI Prem Lal submits that the deceased was the wife of the petitioner and she committed suicide by hanging within 14 months of marriage. It has also been submitted that in the FIR in question

the complainant though having expired as a result of which he did not step into the witness box, had levelled specific allegations against the petitioner and his family of subjecting his deceased daughter to harassment for not getting sufficient dowry.

Heard learned counsel for the parties and perused the relevant material on record.

As apprised by the learned State counsel on instructions that all the material witnesses stand examined and 13 more prosecution witnesses remain to be examined, this Court, deems it fit to extend the concession of bail to the petitioner as the trial will take considerable time to conclude. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to 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.

Since the main petition itself has already been decided, all the pending applications, if any, stand disposed of.

12.12.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No