

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

106+223

(Through Video Conferencing)

CRM-M-36301-2021 (O&M)

Date of decision: 07.02.2022

Sandeep Mahal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-4037-2022

Prayer in the instant application is for exemption from filing certified/true typed copy of statement of complainant-Mehal Singh recorded as PW-1, as Annexure P-8.

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified/true typed copy of statement of complainant-Mehal Singh, copy which is taken on record as Annexure P-8.

CRM-M-36301-2021

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.40 dated 26.02.2020 lodged under Section 304-B IPC registered at Police Station Zirakpur, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that the petitioner who has been in custody since 04.09.2020 has been falsely implicated in the case in hand. Learned counsel while inviting the attention of this Court to the allegations levelled in the FIR submits that it was only after the death of the deceased for the first time, allegations were levelled by the complainant-father that his daughter was being subjected to harassment on account of dowry demands. He submits that not even once prior to the occurrence in question was there any complaint made or even any panchayat called with respect to the allegations which find reflected in the FIR in question qua the deceased being subjected to mental harassment by the petitioner or his family. Learned counsel submits that the sole material witness in this case i.e. the complainant has since been examined and 14 other prosecution witnesses remain to be examined, hence the trial would not conclude in the near future. Learned counsel has submitted that the petitioner has clean antecedents and is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Nathi Ram, has submitted that admittedly no complaint was made prior to the occurrence in question qua the alleged harassment meted out to the deceased. However, he submits that cause of death is consumption of poison by the deceased in her matrimonial home. Learned State counsel on a query has submitted that no injuries external or internal were found on the person of the deceased. He has also not been able to dispute that the petitioner is not involved in any other criminal case.

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

In the facts and circumstances as enumerated hereinabove, more-so, since the petitioner has been in custody since 04.09.2020 and is not involved in any other criminal case coupled with the fact that the trial would take considerable time to conclude, this Court deems it fit to extend the concession bail to the petitioner. Accordingly, 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.

07.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

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