

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M No.36114 of 2022
Date of decision:02.09.2022

Pankaj Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.444 dated 02.09.2021 registered under Sections 304-B and 120-B of IPC, 1860, at Police Station City Barnala, District Barnala.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Krishan Gupta on the allegation that his sister-Chanchal Garg @ Charu, was married to Pankaj Kumar (present petitioner) 06 years ago and she has two sons from the marriage. Pankaj Kumar, who has a furniture factory, his mother, Salochna Rani, sister Bindia, harassed Chanchal on account of dowry. On 02.09.2021, Chanchal had a telephonic conversation with her mother and in the afternoon at about 02.00 pm, complainant received information that she

has died. When he went to the hospital, he noticed marks on the neck of Chanchal. Alleging that Chanchal has been murdered by the in-laws family, request has been made to take action against them.

Counsel for the petitioner submits that all the crucial prosecution witnesses have been examined. In particular, by making a reference to the testimony of Krishan Gupta (PW-1), complainant, Vinod Kumar (PW-2) and Veera Gupta (PW-3), parents of the deceased, it has been urged that all these witnesses have categorically stated that the deceased was never harassed, that she was suffering from *schizophrenia* and committed suicide due to medical issues. He submits that the petitioner, who is in custody since 08.09.2021, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Gurmail Singh, has opposed the petition. He submits that there are specific allegations against the petitioner of treating the deceased with cruelty on account of non-fulfillment of the demand for dowry and she has died in unnatural circumstances within 07 years of marriage. It is his argument that the essential ingredients of Section 304-B of IPC, are satisfied. Still further, he submits that 05 out of 34 prosecution witnesses have been examined.

Considering that the petitioner is in custody for more than 11 months, all the material prosecution witnesses have been examined and the trial is not likely to conclude in the immediate future, this Court is of the opinion that the petitioner deserves to be enlarged on bail.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

02.09.2022

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(SUVIR SEHGAL)
JUDGE

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