

CRM-M-38706-2022

Date of Decision: 06.09.2022

GULZAR SINGH ALIAS SAHAB
V/S

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Narinder Lucky, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 49 dated 17.02.2022 under Section 304-B IPC, registered at Police Station Ambala Sadar, District Ambala.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the allegations that the marriage of Amandeep Kaur, deceased was solemnized with Gurbhajan Singh in the year 2018. It was 2nd marriage of both of them. Gurbhajan Singh along with his parents and sister had been raising demand of dowry and harassing the deceased on that score. The brother of the deceased had also given money and goods at the asking of the family members of in-laws. The deceased had committed suicide on 16.02.2022, being fed up from the harassment caused to her by her husband and other family members.

Learned counsel for the petitioner contends that there are vague allegations with regard to the demand. No specific article of dowry has been specified which was demanded by the petitioner and the co-accused and even no specific article has been mentioned which was given by the complainant to the family of the petitioner. The same allegations have been levelled against the wife and daughter of the petitioner who have been found to be innocent.

The arrest of the petitioner was effected on 18.02.2022 and he is not involved

in any other case.

Learned State counsel, on instructions of SI Suresh Kumar, has submitted that the wife and daughter of the petitioner were found innocent as they were residing separate from the petitioner and his son. Furthermore, there are serious allegations of harassment meted out to the deceased which resulted in her unnatural death, have been levelled in the instant case.

It may be mentioned here that the petitioner is in custody for a period of 6½ months. The allegations in the FIR do not indicate that the wife and sister of the petitioner had been residing separate from him. Even there are vague and unspecific allegations with regard to the demand of dowry. The petitioner is aged more than 65 years and is the father-in-law of the deceased. The investigation of the case is complete, challan has been presented and charge has been framed. However, no witness has been examined till date. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

06.09.2022

Janki

(VIVEK PURI)
JUDGE

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