

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

CRM-M No.40127 of 2020 (O&M)

Date of decision: 28th April, 2022

Kuldip

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.S. Kathuria, Advocate for the petitioner.

Mr. Sandeep S. Deol, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

This order shall dispose off first regular bail application filed by accused petitioner Kuldip under Section 439 Cr.P.C. in case bearing FIR No.251 dated 02.07.2017 under Section 304-B IPC pertaining to Police Station Basti Jodhewal, District Ludhiana.

The petitioner admittedly is younger brother of Mandeep Pal principal accused and husband of deceased Radha Devi. The allegations that have been levelled are that marriage between the couple took place on 10.07.2016 where sufficient dowry was given however, the accused as per the allegations was not happy with the same. The father of the deceased namely Ram Sharan complainant alleges that the husband and his parents often used to ill-treat his daughter and that on

01.07.2017 around 1.00 pm they received a call from Rukmani Devi mother-in-law of the deceased intimating deterioration in the health of the deceased who thereafter died.

The contentions of learned counsel for the petitioner Mr.M.S. Kathuria, Advocate that the petitioner is behind bars for more than four years and six months and there is no specific attribution to him in commission of the crime and that the trial is not likely to conclude in the near future. Though on behalf of the State the same is not controverted by Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab however strong opposition has come about that if allowed bail there is every likelihood that petitioner might influence the trial.

In the light of what has come as allegations against the petitioner at the very initial stage in the FIR depicts no specific role to the petitioner who happens to be younger brother of husband of the deceased. The petitioner is behind bars for more than four and a half years and there is no likelihood of trial being accomplished in the near future and which as per the stand of the State is still at initial stage. Co-accused of the petitioner have already been allowed bail by this Court besides the fact that it is a case which hovers between the suicide and dowry death and which can only be adjudicated at the time of trial when the parties lead evidence.

In the light of the same, this Court feels it expedient to allow the prayer made. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 28, 2022

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No