

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(111+207-2)

CRM-M-46374-2021 (O&M)

Date of decision: 05.04.2022

Rajesh Kumar @ Raja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ishan Khetarpal, Advocate for
Mr. Paras Jhamb, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Senior Deputy Advocate General,
Punjab.

Mr. Ashok Kumar Khunger, Advocate
for the complainant.

...

SUVIR SEHGAL, J. (Oral)

CRM-8862-2022 & CRM-12862-2022

Applications are allowed as prayed for.

Annexures P-6 to P-7 are taken on record.

CRM-M-46374-2021

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.60 dated 17.05.2021, registered for offences under Sections 304-B and 34 of the Indian Penal Code, 1860, at Police Station Khuian Sarwar, District Fazilka (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of Pawan Kumar on the allegation that his sister was married to Rajesh Kumar @ Raja (present petitioner) on 18.11.2020, however, she was not happy. A few days after her marriage, she called up on phone and told the complainant that her husband, Rajesh Kumar @ Raja, mother-in-law, Meera Devi and sister-in-law, Roshni Devi are troubling her and making a demand for car and dowry. Complainant was also told by his sister that her sister-in-law, Roshni Devi and Sonu were making some conspiracy against her. On 11.05.2021, he went to her matrimonial home and tried to reason out with her husband and in-laws, despite his requests, they were adamant with their demand and forcibly sent his sister back to her paternal home. On 16.05.2021, the deceased, after talking with Rajesh Kumar @ Raja on phone, who refused to rehabilitate her, consumed some poisonous substance. She was taken to hospital, but she expired.

Counsel for the petitioner submits that death of Laxmi Devi has taken place at her paternal home. By taking reference to the testimony of Pawan Kumar as well as that of Murari Lal, who have been examined as PW-1 and PW-2, counsel submits that both the crucial witnesses have not supported the case of the prosecution and have been declared to be hostile by the Trial Court. He submits that the petitioner, who is in custody since 23.08.2021, deserves to be enlarged on bail.

Upon instructions from Head Constable, Sunil Kumar, State Counsel has opposed the petition and submits that keeping in view the allegations levelled in the FIR, it is clear that offence under Section 304-B,

IPC is made out against the petitioner. Upon further instructions, he submits that 3 out of 18 prosecution witnesses have been examined. However, counsel for the complainant has submitted that he does not oppose the grant of bail to the petitioner.

Having considered the submissions of the counsel for the the parties, this Court is of the view that the complicity of the petitioner in the offence will remain debatable before the Trial Court. The petitioner, who is in custody for the last more than 7 months, would be entitled to be enlarged on bail as material witnesses have been examined, but the trial is likely to take time to conclude as 15 more witnesses have yet to step into the witness box.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner, Rajesh Kumar @ Raja is ordered to be released on bail on his 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 a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

05.04.2022

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes