

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M-48451 of 2021

Date of decision :-28.04.2022

Rakesh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manoj Tanwar, Advocate for the petitioner.

Mr. P.S.Walia, AAG, Punjab
for the respondent-State.

Mr. P.S. Sekhon, Advocate for the complainant.

SUVIR SEHGAL, J.

Mr. Manoj Tanwar, Advocate, has put in appearance on behalf of the petitioner and has filed his 'Vakalatnama', which is taken on record.

This is the third petition preferred by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking grant of regular bail in case FIR No132 dated 23.05.2020, Annexure P-1, registered for offence under Section 304-B of the Indian Penal Code, 1860 at PS City Kharar, District SAS Nagar Mohali.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the basis of statement of Veeru alias Vishal to the effect that his elder sister Shalu was married to Rakesh Singh, present petitioner, in October, 2018 and she was constantly harassed by her in-laws on account of dowry. The matter was compromised on several occasions with the intervention of the Panchayat members and respectables, but the situation did not improve. In June, 2019, a son was born out of the wedlock. On 23.05.2020, a call was received by his sister Neha from Shalu informing her that her in-laws were giving her severe beatings for bringing insufficient dowry and she sought her

help to save her as she apprehended that her in-laws would kill her. Upon being informed, the complainant along with his relatives and Panchayat members, reached the marital house of his sister where he came to know that she had committed suicide by hanging from a ceiling fan with her '*chunni*' in her bedroom. He alleged that she had ended her life due to physical and mental abuse by her husband Rakesh, father-in-law Kuldeep, mother-in-law, Harbans Kaur, brother-in-law Karan and his wife Raman Kaur on account of persistent demands of dowry.

Counsel for the petitioner has contended that the allegations levelled in the FIR are far from truth as the deceased did not want to reside with her in-laws and no complaint was ever made by her regarding the alleged harassment or demand of dowry. He submits that the deceased did not leave behind any suicide note nor any specific allegation has been levelled against the petitioner.

Opposing the petition, learned State counsel, who is assisted by the counsel for the complainant, upon instructions from ASI Chamkaur Singh, has referred to the testimony of the complainant, Veeru alias Vishal, Annexure P-5, and has submitted that the trial is at its initial stage and Neha, sister of the deceased, is yet to be examined.

Heard counsel for the parties.

The sister of the complainant was married to the petitioner in October, 2018 and she met an unfortunate end on 23.05.2020, within less than two years of her marriage. There are allegations against the petitioner of harassing her, treating her with cruelty and of repeated demands of dowry. It has been specifically mentioned in the FIR, which is duly supported by the complainant in his testimony, that with the intervention of the panchayat and the mediator of the marriage, namely, Sukhwinder Singh, the matter was

compromised many a times and he used to leave his sister at her in-laws’ house but despite that she was repeatedly physically assaulted and turned out of her matrimonial home. Neha, sister of deceased, is a crucial witness, who is yet to be examined and has been summoned by the trial court for 18.05.2022 for recording of her deposition. Prima facie, the ingredients of Section 304-B are fulfilled. The onus of giving an explanation for unnatural death of his wife, within 07 years of the marriage, particularly when there are allegations of ill-treatment on account of demand of dowry, is on the husband, who is none other than the petitioner.

The previous two petitions seeking grant of bail during the pendency of the trial have been dismissed by this Court, after arguments on 13.08.2020 and 28.09.2021. In particular after the dismissal of the previous petition in September, 2021, there is no change in the circumstances as the testimony of the complainant was recorded by the trial court, prior to its dismissal. Repeated filing of bail petitions, amounts to seeking review of the previous judgment which is not permissible in criminal law.

Keeping in view the totality of the facts and circumstances, nature of accusations, gravity of offence as well as the period of incarceration and the stage of the trial, this Court is of the opinion, that the benefit of regular bail cannot be extended to the petitioner.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case and the trial Court shall proceed with the trial uninfluenced by any observation made hereinabove.

28.04.2022

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No