

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-43848 of 2022
Date of decision:31.10.2022

Lakhwinder Singh @ Lakhminder Singh ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Dinarpur, Advocate with
Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.62 dated 07.04.2021 registered under Section 306 of Indian Penal Code, 1860, however, Section 304-B IPC was added later on, at Police Station Jathlana, District Yamuna Nagar (Annexure P-1).

Criminal law has been set in motion, on the basis of a statement made by Shamsher Singh that his sister, Harsimranjeet Kaur was married to Manpreet Singh in the year 2017 and was blessed with a child. Lakhwinder Singh, present petitioner, an unmarried uncle of her husband and head of the family, alongwith her husband and parents-in-law, Paramjeet Singh and Gurpreet Kaur, have been harassing her by different means. On 05.04.2021,

he received a telephonic call from his sister that she is being tortured by the accused. The next day, a message was received from her marital village that she is not well and when the complainant reached her matrimonial home, he found that she had died. According to him, there were some marks on the neck of the deceased.

By referring to the testimonies of Shamsheer Singh, complainant and other material witnesses, who are related to the deceased, Annexures P-3 to P-5, counsel for the petitioner contends that they have not supported the case of the prosecution and rather it has been deposed by them that accused never harassed nor tortured the deceased on account of dowry. Counsel submits that petitioner, who is a middle aged man and enjoys a clean past, has been in custody since April, 2021, deserves to be temporarily set free.

Opposing the petition, State counsel upon instructions from SI Nirmal Singh, submits that there are specific allegations against the petitioner alongwith co-accused of harassing the deceased resulting in her death in unnatural circumstances within 07 years of marriage. As per her instructions, prosecution possesses sufficient incriminating material against the petitioner to nail him. Still further, she submits that 09 out of 18 prosecution witnesses, have been examined, though she could not dispute that all the star prosecution witnesses, have stepped into witness box.

Having considered the submissions made by counsel for the parties, this Court is of the view that role of the petitioner in the death of deceased, would be adjudicated by the Trial Court in the course of trial.

Noticing the length of custody of the petitioner, role ascribed to him and the fact that all material witnesses have been examined and the trial is not likely to conclude in near future, this Court is inclined to accept the prayer made in the petition.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of the trial 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

October 31, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>