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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44598-2022

Date of Decision:- 23.11.2022

MUKHTIAR DASS

....Petitioner.

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Dhaliwal, Advocate for the petitioner.
Mr. R.S. Khaira, DAG Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner- Mukhtiar Dass has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.21 dated 25.02.2022 under Sections 304-B of IPC registered at Police Station Barnala, District Barnala.

The brief facts of the case are that Satpal Dass the complainant gave his statement that his younger sister Sandeep Kaur was married to Sukhpreet Dass @ Sukhi about 4 years ago. Out of this wedlock he was having a son aged about 2 years. About 15/20 days ago his sister called their father and informed that she was beaten up by her father-in-law Mukhtiar Dass, her husband Sukhpreet Dass, sister-in-law Babbu and her husband Gora. They suggested Sandeep Kaur to adjust in the matrimonial home. About 5/7 days ago she again told them that her husband Sukhpreet

Dass and father-in-law Mukhtiar Dass consumed liquor together and thereafter gave her beating. On 24.02.2022 at about 6 am he received call from his brother-in-law for arranging cash of Rs.18,00,000/- to purchase a *scorpio car*. At about 11 am they had sent photographs of the vehicle. On 24.02.2022 the victim again requested to arrange money for purchasing the said vehicle. On the next date he again received call from brother-in-law that Sandeep Kaur has expired. He along with the family members and respectable of the village reached the house of his sister where they saw the body of Sandeep Kaur hanging from the ceiling fan. He categorically stated that his sister has ended her life on account of maltreatment and demand of dowry by Sukhpreet Dass @ Sukhi and his father Mukhtiar Dass.

Learned counsel for the petitioner argued that Mukhtiar Dass is an old man and has been falsely implicated in this case. No offence under Section 304B IPC is made out. The allegations are false and without any basis. There is no call detail record regarding alleged conversation as mentioned in the FIR. In this case no poison was detected as per the report of Chemical Examiner Laboratory. The gram panchayat of their village has filed application to SSP Barnala to the effect that Mukhtiar Dass is falsely implicated in this case. There is no evidence of beating and harassment to the deceased victim for demand of dowry. Mukhtiar Dass is in custody since 25.02.2022. It is further alleged that after further investigation the police is ready to file supplementary challan u/s 173 (8) Cr.P.C. for the discharge of Mukhtiar Dass. It is prayed that regular bail application filed by Mukhtiar Dass may kindly be allowed.

The bail application is opposed by the counsel representing the State. In this case, the custody certificate is received according to which Mukhtiar Dass is in custody for the last about 8 months 22 days. In the status report filed by the State it is conceded that Mukhtiar Dass has been found innocent and supplementary report u/s 173 (8) Cr.P.C. is being presented before the Trial Court for his discharge. However, the learned counsel representing the State argued that on account of gravity of offence he is opposing the regular bail of the petitioner.

I have considered the arguments advanced before me. I have gone through the record carefully. In the written reply submitted by the State it is clear that on the completion of investigation challan has been presented on 16.05.2022 against Mukhtiar Dass and Sukhpreet Dass @ Sukhi. The chargesheet has been framed on 08.06.2022 and two of the prosecution witnesses are also examined. At this stage, it is claimed that in further investigation the petitioner was found innocent and the Investigating Agency wants to file supplementary report u/s 173 (8) Cr.P.C. Till date the supplementary report has not been presented. After the framing of charge-sheet the trial has already commenced in this case. The victim got married with Sukhpreet Dass @ Sukhi and out of this wedlock she has a son aged about 2 years. The victim died unnatural death in the matrimonial home within four years of marriage. The victim died by hanging from ceiling fan. There are specific allegations against the present petitioner for maltreatment given to the victim on account of their demand of money during her stay in the matrimonial home.

Considering the aforesaid facts and the specific allegations against Mukhtiar Dass, I do not find a fit case for regular bail and the same

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is accordingly declined.

23.11.2022

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(AMARJOT BHATTI)
JUDGE

Whether the speaking/reasoned:- Yes/No

Whether the reportable:- Yes/No