

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

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**CRM-M-49493-2021
Date of decision: 16.05.2022**

Gian Singh @ Gyan Singh

.....Petitioner

Versus

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravinder Rana, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh.
for the respondent.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.239 dated 17.09.2019 lodged under Section 304-B IPC (charge under Section 302 IPC framed by the trial Court) registered at Police Station Sector-31, Chandigarh.

On a pointed query put to the learned counsel for the petitioner as to what was the change in material circumstances which would warrant acceptance of the instant petition, he submits that five prosecution witnesses stand examined. He further submits that supplementary challan has been presented qua five co-accused namely Somwati, Lallan, Shakuntala, Dinesh and Rekha as recently as on 02.05.2022 and hence the trial will take some time to conclude.

Learned counsel for the petitioner contends that no doubt the wife of the petitioner (since deceased) did die an unnatural death within one year of their marriage, however, it was not on account of the

harassment and torture allegedly meted out to her by the petitioner but due to the fact that she was unhappy with her marriage with the petitioner. Learned counsel submits that it was on account of passions running high, false allegations were levelled in the FIR in question. Though it was alleged that the deceased was subjected to physical cruelty, however, no injury was found on the person of the deceased at the time of her post-mortem. Still further, he submits that it was alleged that the deceased was being subjected to harassment as she had not been given a Harley Davidson motorcycle in dowry, however, the factum of any such demand or any other dowry demands not being made by the petitioner stands substantiated from cross-examination of the complainant himself wherein he conceded that the petitioner was earning his livelihood by riding an auto-rikshaw which he had purchased after raising a loan. Learned counsel further contends that it was also conceded in his cross-examination by the complainant that the petitioner had never made any demands of money much less of even monetary help from him for the purchase of his auto-rikshaw. In support, learned counsel has referred to the deposition of the complainant annexed as Annexure P-4. In the circumstances, learned counsel submits that it cannot be digested that the petitioner would have harassed his deceased wife for not getting a Harley Davidson motorcycle on their marriage. He submits that no doubt some panchayats were convened between the parties but they were not on account of harassment being meted out to the deceased on account of dowry demand but it was on account of deceased wife being unhappy with her marriage with the petitioner. Learned counsel submits that the

petitioner has now been in custody since 17.09.2019 and the material witnesses including the complainant and another brother of the deceased stand examined. Hence, his further incarceration would serve no useful purpose moreso, when the trial would take considerable time to conclude. He further submits that the petitioner is not involved in any other criminal case.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, submits that the deceased died within one year of her marriage on account of the mental and physical harassment meted out to her. He, on instructions has not been able to dispute the fact that both the material witnesses i.e. the complainant and other brother of the deceased as well as doctor who conducted post-mortem on the deceased stand examined. He on instructions submits that that supplementary challan against five other co-accused has since been presented and now the next date before the trial Court is 27.05.2022. He on further instructions concedes that the petitioner is not involved in any other criminal case.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 17.09.2019 and both the material witnesses including the complainant stand examined. Since supplementary challan has been presented against five co-accused recently, the trial will take considerable time to conclude. In the facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty

Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.05.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No