

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50522-2021

Date of decision : 04.11.2022

Inderjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ajit Pal Singh, father of the petitioner.

IO ASI Jasvir Singh in person.

RAJESH BHARDWAJ, J.(ORAL)

Lawyers are abstaining from work today.

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.155 dated 03.09.2020, under Sections 304-B, 201 and 34 of IPC and Section 302 IPC added later on, registered at Police Station City 2 Mansa District Mansa Punjab.

As per factual matrix of the case, the present FIR is registered by Gardaur Singh son of Chota Singh, resident of Atla Khurd. It was alleged that he has three daughters and one son. His daughter named Lovepreet Kaur was married on 29th October, 2017 with Inderjit Singh i.e. the petitioner. He alleged that he had given sufficient dowry and *istridhan* more than his capacity during the marriage. However, after the marriage, in-laws of his daughter Lovepreet Kaur started harassing her on account of demand of dowry. She used to be given beatings for bringing less dowry. As the harassment continued, they tried to settle the dispute amicably and in the month of March, 2020, the matter was compromised in the Court of learned Sub Divisional Magistrate, Mansa and his daughter Lovepreet Kaur was brought to the matrimonial home.

Thereafter, he got the news that his daughter has committed suicide by hanging. The present FIR was lodged for taking the legal action against the accused persons.

The petitioner was arrested on 05.09.2020. He approached the learned Additional Sessions Judge, Mansa for grant of regular bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, Mansa declined the same vide order dated 18.11.2021. Aggrieved by the same, petitioner has approached this Court for grant of bail.

Father of the petitioner has submitted that the petitioner has been falsely implicated in this FIR only being husband of the deceased. He has submitted that they tried their level best to resolve the dispute. He further submits that the deceased was not happy with the decision taken by her parents for marrying her with the petitioner. He submits that though the suicide was committed in the matrimonial home, however, the same was not on account of harassment for dowry as alleged but as per the admitted position because of the marriage of the deceased performed by her parents against her wishes. He further submits that the allegations in the FIR are very general in nature and this Court has already granted bail to the co-accused namely, Jasvir Singh vide order dated 30.07.2021 and Ajitpal Singh and Karamjit Kaur vide order dated 09.11.2021. He submits that the petitioner has no criminal antecedents. He submits that his grand-daughter is about 04 years of age as on date and at the time of occurrence, she was hardly 02 years of age and as whole of the family was thrown behind bars, the child remained with his younger daughter who is married in Patiala. He has submitted that as on date, grand-

daughter is with them and her future is also at stake.

IO ASI Jasvir Singh, present in the Court, has submitted that the petitioner is the husband of the deceased. He submits that all the material witnesses stand examined and petitioner is not involved in any other case except the present case.

Heard.

The marriage took place in the year 2017 whereas, the death took place on 03.09.2020. The petitioner is behind the bars since 05.09.2020. The co-accused Jasvir Singh, Ajitpal Singh and Karamjit Kaur have already been granted bail by this Court vide order dated 30.07.2021 and 09.11.2021 respectively. The veracity of the allegations and the counter-allegations is totally in the domain of the trial Court which would be appreciated after the evidence is led by both the parties. The trial of the case will take sufficient time and no useful purpose would be served by keeping the petitioner in custody for further period. Whether in the facts and circumstances of the case presumption under Section 113-B of Evidence Act is attracted or not is a debatable issue. However, without commenting anything upon the merits of the case and in the facts and circumstances of the case, I find that the petitioner deserves to be granted bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

04.11.2022
m. sharma

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No