

JAGDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Jagdeep Singh-petitioner is seeking regular bail in the case bearing FIR No.277 dated 02.12.2020 under Sections 302/34 IPC and under Section 304-B IPC, 1860 (added subsequently), registered at Police Station Sarhali Tarn Taran.

Briefly, the FIR has been registered on the basis of the statement of Ranjit Kaur, the mother of the deceased alleging that the marriage of the deceased was solemnized with the petitioner about 02 years prior to occurrence. The petitioner is employed in Army. The petitioner along with her father, mother and sister had been maltreating the deceased on account of bringing less dowry. The deceased had died on account of strangulation by her in-laws on 01.12.2020.

Learned counsel for the petitioner contends that the material witnesses have been examined during the course of trial and they have not supported the prosecution version. Ranjit Kaur, PW-1 is the mother, Jashandeep Singh PW-2 is the brother and Manjit Singh PW-3 and Avtar Singh PW-5 are the

maternal uncles of the deceased. Their statements do not in any manner implicate the petitioner with the commission of crime. Although, the matter remained pending in this Court as the examination of the doctor had not been effected, but it has been stated that the doctor is not being examined despite repeated adjournments. Moreover, the cause of death in this case is asphyxia. The charge has been framed under Sections 304-B IPC. In the statements of the mother, brother and maternal uncles of the deceased, there is a lack of material to indicate that the deceased had been maltreated and harassed on account of demand of dowry. The petitioner is in custody for a period of about 01 year, 07 months and 26 days and is not involved in any other case.

The bail application has been resisted by the learned State counsel on the score that the death has occurred otherwise than normal circumstances in the house of the petitioner and that too within a period of 02 years from the date of marriage. So far, out of 11, 05 witnesses have been examined.

Be that as it may the mother, brother and maternal uncles of the deceased have not supported the prosecution version. The cause of death though stated to be asphyxia but the statements of the witnesses examined so far do not indicate that the deceased was harassed or maltreated by the petitioner on account of demand of dowry. It has also not been disputed that the parents and sister of the petitioner were found innocent during the course of investigation and challan has only been presented against the petitioner. The petitioner is in custody for a period of 01 year, 07 months and 26 days and is not involved in any other case. The material witnesses have not supported the prosecution version. The conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

29.07.2022
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(VIVEK PURI)
JUDGE

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