

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(207)

CRM-M-53427-2021
Date of Decision: 29.09.2022

Sukhwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. G.K. Mann, Sr. Advocate with
Mr. Gursewak Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.0036 dated 31.5.2021 under sections 304-B, 34 IPC registered at Police Station, Khem Karan, District Tarn Taran.

As per factual matrix, the FIR in question was lodged by Ranjit Singh @ Rana, the brother of the deceased, wherein it was alleged that his sister Prabhjit Kaur was married to Manjit Singh about 5/6 months prior to the date of registration of the present FIR. After the marriage there was a matrimonial discord in the family as his sister was being harassed by his brother-in-law Manjit Singh, father-in-law Sukhwinder Singh i.e. the present petitioner and mother-in-law for the demand of dowry. She was being taunted time and again for not bringing Scorpio car. As the complainant could not fulfill the unreasonable demand of in-laws, his sister committed suicide by consuming poison on 31.5.2021. A request was made to take legal action against the culprits.

The investigation commenced. The post mortem of the deceased was conducted and the petitioner was arrested on 2.6.2021. During the course of investigation, out of the three accused named i.e. husband, mother-in-law and father-in-law, the investigating agency found mother-in-law innocent and challan was presented only qua husband and father-in-law of the deceased. The petitioner approached the court of learned Addl. Sessions Judge, Tarn Taran for grant of bail, however, after hearing the parties, the same was declined vide order dated 18.11.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case being the father-in-law of the deceased. He submits that the allegations pertaining to demand of car etc. are false and fabricated and the petitioner has no concern with the same. It is submitted that petitioner is a 67 years old man and a chronic patient of various diseases. It is submitted that the allegations made in the FIR are totally general in nature. It is further submitted that on the basis of the same allegations the mother-in-law of the deceased was also named in the FIR, however, she was found innocent by the investigating agency. It is submitted that petitioner is behind bars for the last more than one year. As per the status report filed by the State, the ailment being suffered by the petitioner is also evident. Learned senior counsel submits that petitioner has no criminal antecedents and he deserves to be granted the benefit of bail.

On the other hand, learned State counsel has opposed the submissions made by counsel for petitioner. He submits that there are specific allegations against the petitioner. He submits that the deceased died an unnatural death within 5/6 months of her marriage. It is submitted that initially three persons were named in the FIR, however, during investigation mother-in-law of the deceased was found innocent and challan was presented only qua husband and father-in-law i.e. the present petitioner. It is submitted that after completion of investigation charges have been framed and the case is fixed for recording prosecution evidence by the learned Trial Court. State counsel further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the record carefully.

Admittedly, petitioner is the father-in-law of deceased. Initially three persons were named in the FIR, however, during investigation mother-in-law of the deceased was found innocent and challan was presented only qua husband and father-in-law i.e. the present petitioner. Investigation in the case is complete and charges have been framed. Now the case is fixed for recording prosecution evidence by the learned Trial Court. As per status report filed by learned State counsel, medical condition of the petitioner is poor. There is nothing on record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter

allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.09.2022

lucky

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