

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(220)

CRM-M-52246-2022
Date of Decision: 17.11.2022

Dilbagh Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.150 dated 19.5.2020, registered under Sections 406/498-A/34 IPC (Sections 304-B read with Section 302 IPC added later on vide DDR No.20 dated 21.5.2020), at Police Station Sadar Amritsar.

As per factual matrix of the case, mother of the deceased Phoola Rani made a complaint to the Police, wherein it was alleged that her younger daughter Simran, who has done BAMS, was married on 1.2.2019 with Dilbag Singh, who is also BAMS Doctor. It was soon after the marriage, in-laws of her daughter started harassing her on account of demand of dowry. They deposited Rs.5 Lacs in the account of her daughter, however, the son-in-law misappropriated all the dowry goods and articles with the help of his family members. It was alleged that her father-in-law Sarabjit Singh and mother-in-law Dhan Kaur started pressurizing her daughter to bring money from her parents as they wanted to construct

hospital. Tyranny for her daughter continued unabated and hence, she injected herself on 17.5.2020 and later on, she succumbed to the same on 21.5.2020. The request was made to register FIR and take legal action against the accused who caused harassment to her daughter on account of demand of dowry, due to which she committed suicide.

The FIR was registered and the investigation commenced and the petitioner was arrested on 22.5.2020. The petitioner approached the learned Addl. Sessions Judge Amritsar for grant of bail, who, after hearing the parties, declined the same vide order dated 27.10.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner has contended that the petitioner is the husband of the deceased. He submits that though the husband and wife were BAMS Doctors and the petitioner had no role whatsoever in causing harassment or demanding dowry from the deceased as alleged in the FIR. He submits that even from the reading of the allegations in the FIR, there are general and omnibus allegations, which are not sufficient to constitute an offence under Section 304-B IPC against the petitioner. He submits that after the framing of the charge the prosecution evidence has started and in all there are 21 prosecution witnesses, out of which only one has been examined so far. He submits that whether presumption under Section 113-B of the Evidence Act is attracted or not, would be a debatable issue, however, the petitioner has an unblemished record as he has never been involved in any other criminal case. He submits that in the facts and circumstances of the case, the petitioner deserves to be

granted bail.

On the other hand, learned State counsel submits that there are specific allegations against the petitioner. He submits that in all there are 21 prosecution witnesses out of which examination-in-chief of the complainant has been recorded and the case is fixed for 9.12.2022 for recording the cross-examination of the complainant. He submits that as per information provided to him petitioner has no criminal antecedents.

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

Admittedly, petitioner is husband of the deceased and he is behind bars since 22.5.2020. No doubt, the deceased died unnatural death within two years of her marriage, however, in the overall facts and circumstances of the case, whether in view of the allegations made in the FIR, presumption under Section 113-B of the Evidence Act is attracted or not, would be a debatable issue to be decided by the trial Court on the basis of evidence to be led before it by the respective parties. There is nothing on record showing that the petitioner has any criminal antecedents. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficient long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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

17.11.2022

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

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

214 CRM-M-44187-2022

Mohit Kumar @ Mohit Vs. State of Punjab

Present: Mr. S.K. Choudhary, Advocate for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

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List on 6.2.2023.

17.11.2022
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**(RAJESH BHARDWAJ)
JUDGE**