

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

CRM-M-57514-2022

Date of decision : 14.12.2022

Phuman Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for grant of regular bail in case FIR No.21 dated 20.02.2021, under Sections 304-B, 498-A, 34, 201 of IPC (Section 201 IPC added later), registered at Police Station Lohian District Jalandhar (Rural).

Adumbrated facts of the case are that the complaint was lodged by Beera son of Buta Singh who is father of the deceased. It was alleged that he married his daughter namely, Amandeep Kaur about 2 years back with Kuldeep Singh son of Phuman Singh (petitioner). After the marriage, in-laws of his daughter started harassing her for demand of dowry. Her mother-in-law used to taunt her that she has not given birth to any child. Time and again, she was being compelled to bring her share in the land of her parental property. Besides this, they used to demand the dowry in all possible manner. The complainant tried to resolve the dispute with the help of respectables, however, the same remained unsuccessful. His son-in-law used to humiliate her. He requested to his son-in-law to allow him to talk to Amandeep Kaur but he was never allowed. On

20.02.2021, he received a phone call that his daughter has committed suicide by hanging. He along with his relatives went to the matrimonial home of his daughter and found his daughter lying dead. It was suspected that his son-in-law, mother-in-law and father-in-law compelled his daughter to commit suicide. The request was made to lodge the FIR against the accused and to take legal action against them. On the basis of the complaint, formal FIR was lodged and the investigation commenced. The investigating agencies recorded the statements of the witnesses and the postmortem of the deceased was conducted and the petitioner, his wife and son all three were arrested by the investigating agencies on 21.02.2021. As on date, all the three are behind bars. The petitioner approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of bail, however, the same was declined by learned Additional Sessions Judge vide his order dated 18.11.2021.

It has been vehemently contended by counsel for the petitioner that the petitioner is father-in-law of the deceased and it is only on that account, he has been implicated in this case. He submits that the daughter of the complainant though died within seven years of marriage, however, the petitioner has no role whatsoever in harassment or cruelty caused to the deceased on account of demand of dowry. He submits that from perusal of the FIR, it is clear that there are no specific allegations against the petitioner and the same are omnibus in nature. He submits that after the death of deceased, the complainant has implicated all the family members of the petitioner only in order to harass and humiliate the whole family members. He submits that from the reading of the allegations in the FIR, even the presumption under Section 113-B of Evidence Act is

not attracted against the petitioner. He submits that the investigation is already complete. Charges are framed and the trial Court has already commenced with recording of the evidence. The petitioner is about 70 years of age and is behind bars from the last more than 1 ½ years and the prosecution could not examine the witnesses till date. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the case, he deserves to be granted regular bail.

Learned State counsel on the other hand has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is father-in-law and there are allegations against all the family members of the in-laws of the deceased who had harassed her for demand of dowry. He has submitted that the deceased died unnatural death within seven years of marriage on account of harassment caused to her on account of demand of dowry and thus, presumption under Section 113-B of Evidence Act is attracted against the petitioner and the co-accused. He submits that in all there are 25 prosecution witnesses, out of which, examination-in-chief of three witnesses have been conducted. He has further submitted that as per the instructions, the petitioner has no criminal antecedents.

Heard. Petitioner before this Court is father-in-law of the deceased who is behind bars since 21.02.2021. As submitted by learned State counsel, out of 25 prosecution witnesses 03 witnesses stands examined. The husband, mother-in-law and father-in-law of the deceased all are behind bars. There is nothing on record to show that the petitioner has any criminal antecedents. As contended by counsel for the petitioner that learned Additional Sessions Judge has also observed that although

there are no specific allegations but there are allegations of demand of dowry against members of the in-laws family and hence, the bail qua him was rejected.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence led by both the parties before the trial Court. The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular 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

14.12.2022
m. sharma

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