

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

114+215

CRM-M-50817 of 2019 (O&M)

Date of decision:31.05.2022

Nachattar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Rishabh Gupta, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM No.18010 of 2022

Application is allowed as prayed for.

Testimony of the complainant, Gurnam Singh (PW-1) is taken
on record as Annexure P-7.

CRM-M-50817 of 2019

Instant petition has been filed under Section 439 Cr.P.C.,
seeking grant of regular bail to the petitioner in case FIR No.06 dated
17.01.2019 registered under Sections 304-B, 498-A of Indian Penal Code,
1860 at Police Station Sanour, District Patiala (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered by Gurnam Singh, father of Rekha Rani (since deceased) on the allegation that she was married with Nachattar Singh, present petitioner on 08.02.2018 and despite the fact that he had given dowry as per his financial capacity, her in-laws were not satisfied and were harassing her and demanding more dowry. Nachattar Singh physically harassed her, her brother-in-law, Harmesh Singh and his wife Saroj Bala also joined him. His daughter confided in him about her harassment and despite the fact that he alongwith other respectables intervened, they did not succeed. It has been alleged that his daughter was pursuing IELTS course and her husband, Nachattar Singh physically assaulted her because she could not score well. On 16.01.2019, he talked to his daughter on phone and realized that she was very disturbed and on the same day, at about 2.00 p.m., his son, Sukha Singh, received a phone call that she has consumed a poisonous substance and has been taken to a hospital. When he alongwith his wife reached the hospital, they came to know that she had unfortunately expired.

Counsel for the petitioner has contended that the deceased had appeared in IELTS Exam thrice but could not succeed in securing the requisite band and she was under a lot of mental pressure as the next examination was round the corner. Counsel contends that as she was under stress, she committed suicide. She submits that during investigation, two other co-accused, namely, Harmesh Singh and his wife Saroj Bala, were found to be innocent and the petitioner is the sole accused to be challaned

for offence under Section 304-B IPC, which is not made out. It is her argument that complainant, who is the star witness, has been examined and further incarceration of the petitioner would not serve any purpose.

Per contra, State counsel, who is assisted by counsel for the complainant, has opposed the petition. It has been argued that husband of the deceased was depending upon her for immigrating abroad and she was not only being pressurized mentally, but there are also allegations of demand of dowry. As per instructions received from ASI Bagichha Singh, State counsel submits that 01 out of total 20 prosecution witnesses, have been examined. He has filed the custody certificate dated 30.05.2022 and has submitted that the petitioner has undergone actual sentence of 02 years, 10 months and 19 days.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the crime would remain subject matter of debate before the Trial Court and the petitioner, who is in custody for the last 02 years and 10 months, would be enlarged on bail as the trial is at the initial stage and is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 31, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>