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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-790-2023

Date of Decision:- 07.02.2023

DES SINGH AND ANR.

....Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioners.

Mr. M.S. Joshi, Additional A.G. Punjab.

Mr. Kamal Narula, Advocate
for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioners – Des Singh and Kaushalaya Bai have filed the instant petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail in FIR No.105 dated 31.05.2022 under Sections 306, 34 IPC, Police Station Sadar Fazilka, District Fazilka, Punjab and Section 304-B IPC which stand framed by Ld. Trial Court vide charge-sheet dated 08.12.2022.

The facts of the case are that Jagdev Singh – complainant gave his statement to the police that his daughter i.e. the victim got married with Suraj Kumar about four years ago. He had spent huge money on her

marriage. The husband was given a Bullet motorcycle. However, the husband and his family members were unhappy with the dowry articles. They were expecting more dowry and a car. He used to give gifts from time to time. They started raising demand of Rs. 5 lacs. Thereafter, he along with his family members approached the family members of Suraj Kumar with the request not to raise said demands and not to harass his daughter. On 31.05.2022 at about 10:00 A.M, Suraj Kumar called his brother Sukhdev Singh and disclosed that victim had expired. He along with his son and other relatives reached there. The dead body was shifted to Civil Hospital, Fazilka. His daughter ended her life by hanging due to the harassment caused to her by her husband and in-laws family.

In the case in hand, challan was presented against Suraj Kumar. The present petitioners were summoned on application under Section 319 Cr.P.C. to face trial along with the main accused.

Learned counsel for the petitioners pointed out that during investigation, both the petitioners were found to be innocent. Earlier the anticipatory bail application filed before the Ld. Sessions Judge, Fazilka was dismissed vide order dated 23.12.2022 Annexure P-2. The first anticipatory bail application before this Court was withdrawn as per order dated 25.07.2022 Annexure P-3. During investigation, both the petitioners were found to be innocent. The couple was living separate from the in-laws family and for this reason, they were not challaned in this case. Now, they are also being summoned to face trial on application under Section 319 Cr.P.C. and their non-bailable warrants have been issued for 09.01.2023. The copy of order dated 08.12.2022 is Annexure P-8. The present petitioners are ready to face trial and they will abide by the terms of bail order. It is prayed that their anticipatory bail application may be

allowed.

Learned counsel representing the State has filed detailed status report. It is confirmed that initially, both the petitioners were found innocent and they were not challaned. Now, on the application filed by the prosecution under Section 319 Cr.P.C., they are being summoned as additional accused vide order dated 08.12.2022. The allegations are serious. Therefore, the petitioners are not entitled to be released on anticipatory bail.

I have considered the arguments and have gone through the record carefully. The factual position is not disputed. In the contents of FIR, the complainant had levelled allegations of dowry demand and harassment against the present petitioners. However, they were not challaned initially. They are summoned to face trial along with the main accused by passing order on application under Section 319 Cr.P.C. Both the petitioners are the in-laws of deceased victim. After completion of investigation, challan is already presented. Therefore, the present petitioners are not required for the investigation purposes. The petitioners are ready to face the trial. Therefore, considering the aforesaid facts, the anticipatory bail filed by the petitioners – Des Singh and Kaushalaya Bai is allowed. They are directed to surrender before the trial Court within 10 days from today and be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

07.02.2023

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(AMARJOT BHATTI)
JUDGE

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