

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 6640/2023

Date of decision: 20.07.2023.

Balwinder Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. RS Randawa, Advocate for the petitioner.
 Mr. Amritpal Singh Gill, Advocate for the complainant.
 Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Petitioner-Balwinder Singh son of Bhag Singh in this first petition under Section 439 Cr.PC prays for grant of regular bail in case FIR No.0137 dated 16.10.2022 registered under Section 304-B IPC, PS Koom Kalan, District Ludhiana (Annexure P-1).

As per allegations contained in the FIR registered on the basis of statement of Sikander Singh complainant/father of deceased Manpreet Kaur, deceased was married with petitioner in the year 2019. In the said marriage the complainant is alleged to have given dowry of more than his financial status. It was alleged by him that petitioner and his family members used to harass deceased Manpreet Kaur to bring more dowry. It was further alleged that mother-in-law of deceased used to say to the deceased to leave her son and that they will perform another marriage of the petitioner. It is further alleged that on 14.10.2022 deceased rang up complainant and told that

her husband (petitioner herein), mother-in-law, father-in-law, sister-in-law and brother-in-law were harassing her to bring a car and leave the house else they will kill her. It was alleged by the complainant that about 20 days ago they entered into an agreement and complainant sent his daughter to her in-laws house. It was then alleged that on 15.10.2022 at about 12 noon he came to know that his daughter had committed suicide by hanging herself after being fed up with petitioner Balwinder Singh and his family.

Mr. Amritpal Singh Gill, Advocate has filed his Vakalatnama on behalf of the complainant and the same is taken on record.

Ld. Counsel for the petitioner submits that deceased was suffering from Tuberculosis and was depressed as a result of which she committed suicide. In this regard, learned Counsel refers to Cytopathology report dated 6.4.2022 (Annexure P-3) issued by Dayanand Medical College @ Hospital, Ludhiana, wherein it is recorded that the deceased was a patient of tuberculosis. Ld. Counsel further submits that no suicide note has been found; that date of marriage is February 2019 and date of incident is 2-1/2 years later, on 15.10.2022, FIR was registered by father of the deceased on 16.10.2022 and petitioner is in custody since 17.10.2022. It is further submitted that there are no children from the said marriage and cause of death is by hanging. It is further submitted that co-accused/parents of the petitioner have been granted Anticipatory Bail by this Court vide order dated 22.5.2023 passed in CRM-M 9373/2023. It is then submitted that the complainant has entered into a compromise dated 17.11.2022 (Annexure P-2), para 1 of which reads as under:-

“That the first party lodged the above-mentioned FIR against the second party under the misguided circumstances on the

sudden demise of the daughter of the first party, the allegations of dowry against the second party were made in the FIR by the first party in a fit of anger and rage. However, the fact is that the daughter of the First Party was suffering from Tuberculosis which the deceased got to know on 06.04.2022. Due to her ill health, her mental state also got affected. Her day-to-day life deteriorated and as a consequence, she fell into depression and committed suicide. There was no harassment to the deceased or her family by the second party”.

Custody certificate dated 19.7.2023 produced by Id. State counsel is taken on record.

Ld. State counsel opposes the prayer for bail by saying that as per law, in an offence under Section 304-B IPC matter cannot be disposed of by way of compromise between the parties. Ld. State Counsel further submits that challan has been presented in December 2022 and charges have been framed, however, trial is yet to begin. Ld. State counsel submits that as per the custody certificate, petitioner is in custody for 9 months and 5 days only.

After hearing Id. Counsel for the parties and keeping in view the totality of the facts and circumstances of the case, no case for grant of regular bail to accused petitioner is made out.

Dismissed.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case.

20.07.2023.
Joshi

(Nidhi Gupta)
Judge