

SAWINDER SINGH **...PETITIONER**
VERSUS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Ruchika Sabherwal, DAG, Punjab.

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.

2. Sawinder Singh-petitioner is seeking regular bail in the case bearing FIR No.101 dated 17.09.2022 under Sections 306/34/120-B IPC registered at Police Station Qadian, Police District Batala.

3. Briefly, as per the allegations of the prosecution, the marriage of the deceased was solemnized with the petitioner on 18.06.2014 and a daughter has been born from the wedlock. The death has occurred on 16.09.2022 and as per the allegations, the deceased committed suicide by setting herself on fire. The deceased was harassed by the petitioner and his mother for dowry.

4. Learned counsel for the petitioner contends that the occurrence took place after more than 08 years of marriage and there is nothing to suggest that during the lifetime of the deceased any complaint was submitted at any forum either by her or any member of her parental family with regard to the demand raised by the petitioner or maltreatment meted out to the deceased. Moreover, the complainant has not supported the prosecution version during the course of trial.

At 155 It has been stated by the complainant that the deceased had committed suicide on

CRM-M-10820-2023

-2-

account of depression. The petitioner is in custody for a period of 09 months, 10 days and is not involved in any other case and the co-accused i.e. the mother of the petitioner has been released on bail.

5. Learned State counsel has not disputed the fact that the complainant has not supported the prosecution version during the course of trial but has submitted that out of 14, 03 witnesses have been examined. Moreover, the death has occurred on account of 100% burn injury.

6. It is significant to note that the death has occurred after a period of 08 years of marriage. There is nothing to suggest that during the lifetime of the deceased any complaint was submitted at any forum either by her or any member of her parental family with regard to the demand of dowry or maltreatment meted to the deceased by the petitioner. The complainant who is the father of the deceased has not supported the prosecution version during the course of trial. The petitioner is in custody for a period of 09 months, 10 days and is not involved in any other case and 11 witnesses still remain to be examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

7. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The petition is allowed accordingly.

06.07.2023
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(VIVEK PURI)
JUDGE