

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12355-2023(O&M)

Date of decision : 19.05.2023

Chaman Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.R.P.Dhir, Advocate for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

1. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.42 dated 17.02.2022 registered under Sections 302, 34 IPC at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that the petitioner is a 68 year old man and has been in custody since 17.02.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, only 5 witnesses have been examined and thus, the trial is likely to take time. It is further submitted that the previous bail application of the petitioner was dismissed as withdrawn on 19.09.2022 at that stage and even subsequent to the same, sufficient time has elapsed and the trial has not been concluded and thus, the same entitles the petitioner to file present bail petition. It is stated that the petitioner is not involved in any other case. It is argued that a perusal of the FIR would show that there is no allegation much less any specific allegation against the petitioner either with respect to demand of dowry or of having beaten up his

son Manjit Singh. It is further submitted that in the present case, there is no eye witness and even as per the FIR, it is the petitioner who had telephonically called up the complainant to inform him about the ill health of Pardeep Kaur i.e. the deceased (daughter of complainant). It is further submitted that the co-accused of the petitioner Narinder Kaur, who is the mother-in-law of the deceased and is similarly placed as the present petitioner, has already been granted the concession of regular bail by a coordinate Bench of this Court passed in CRM-M-758-2023 after considering the medical report with respect to the death of deceased in which it has been mentioned that no poison had been detected in the body of the deceased and with respect to injury no.1, it had been stated that the possibility of it not being of homicidal nature can not be ruled out. It has been further argued that there is a delay of two days in registering the FIR as the death in question had taken place on 15.02.2022 whereas the FIR had been registered on 17.02.2022. It is stated that all the star witnesses have been examined and thus, no purpose would be served by keeping the petitioner in further incarceration.

3. Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the allegations in the FIR, Manjit Singh son of the petitioner was demanding an amount of Rs.50,000/- and also used to beat up the daughter of the complainant and there is an allegation that the petitioner also connived with his son and committed the murder of the daughter of the complainant. Other facts have, however, not been disputed.

4. This Court has heard learned counsel for the parties and perused the paper book.

moreso, the fact that the petitioner has been in custody since 17.02.2022 and the investigation is complete and the challan has already been presented and there are 16 witnesses, out of which, only 5 witnesses have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case and there is no specific allegation either of maltreatment or demand of dowry against the present petitioner and in the FIR it has been stated that it was the present petitioner who had called up the complainant to inform about the ill health of his daughter in law, Pardeep Kaur and also the fact that there is no eye witness in the present case and that the FIR has been registered after a delay of two days inasmuch as the death had taken place on 15.02.2022 whereas the FIR had been registered on 17.02.2022 and also the fact that the co-accused of the petitioner namely Narinder Kaur, has been granted the concession of regular bail by a coordinate Bench of this court vide order dated 24.02.2023 passed in CRM-M-758-2023 after noticing the fact that as per the post-mortem report, it has been stated that there is no poison detected in the body of the deceased and the cause of death is due to asphyxia caused by ligature mark as described in injury no. 1 and possibility of it not being of homicidal nature cannot be ruled out, 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 and subject to him not being required in any other case.

6. It is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

8. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 19, 2023

Davinder Kumar

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