

208

2023:PHHC:112153

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17725 of 2023

Date of decision : 28.08.2023

Kuldip Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

The present second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.15, dated 15.06.2022, under Sections 304-B, 34 IPC, registered at Police Station Narot Jaimal Singh, District Pathankot, Punjab.

Brief facts of the case are that statement of Madan Lal was recorded by the Police wherein it was alleged that his youngest daughter, namely, Priya Saini was married to Lovesh Saini about five months ago as per hindu rites and ceremonies. It was alleged that sufficient dowry was given as per his capacity during the marriage. However, soon after the marriage, her husband and in-laws i.e. father-in-law, namely, Kuldip Singh-petitioner started harassing her for not bringing an Air Conditioner in the marriage. On coming to know about this, he requested the in-laws of her daughter to mend their ways but in vain. They kept on harassing her and on 14.06.2022 at about 10.00 p.m., he came to know that his daughter, Priya Saini has died. They reached her matrimonial home and found that his

daughter had committed suicide by hanging. Request was made to take legal action against the culprits as his daughter had been compelled to commit suicide on account of harassment caused by her in-laws for demand of dowry. On the basis of the complaint, FIR was registered and the investigation commenced. Statements of the witnesses were recorded by the police and the postmortem was got conducted. The petitioner, who is the father-in-law of the deceased was arrested on 15.06.2022. The petitioner approached the Court of learned Additional Sessions Judge, Pathankot praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge declined the same vide order dated 26.10.2022. Aggrieved by the same, petitioner on earlier occasion approached this Court praying for grant of regular bail by filing a petition bearing **CRM-M No.58079 of 2022**. However, the same was allowed to be dismissed as withdrawn on 16.12.2022. Hence, the petitioner is before this Court again by way of filing the present second petition.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case for being father-in-law of deceased. He submits that the allegations pertaining to the harassment caused on account of demand of Air Conditioner is totally a concocted story. He submits that in fact, prior to the incident, brother-in-law of the deceased was found to have been involved in an NDPS case and for that her parents and all were pressurizing her to help in arranging the litigation expenses for her brother-in-law. He submits that the deceased left the matrimonial home along with some jewellery. Later on a compromise was also arrived at in the Police Station. It is submitted that unfortunately the deceased committed suicide but it was not on account of the allegations

as alleged but for the problems which were going on in her parental home. He submits that the petitioner and his son, Lovesh Saini are already behind bars and now the prosecution has filed a petition under Section 319 Cr.P.C. for summoning the other son of the petitioner. He submits that the petitioner is financially comfortable and there was no reason for them to demand the Air Conditioner as alleged. He submits that investigation is already complete and charges are also framed but despite that there is no progress in the trial. He submits that in the facts & circumstances, no harassment was caused soon before the death of deceased and thus, the provisions of Section 113 of the Evidence Act would not be attracted in this case. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the case, he deserves to be granted the concession of bail.

Learned State counsel, on the other hand, has opposed the submissions made by learned counsel for the petitioner. She has submitted before this Court that the deceased committed suicide in the matrimonial home after five months of marriage. She submits that there were specific allegations of demanding the dowry against the petitioner and other in-laws and thus, the provision of Section 113 of the Evidence Act is attracted in this case. She submits that the deceased died an unnatural death within seven years of her marriage and thus, there is no case for granting him bail. She has further submitted that as per her instructions, the petitioner has no criminal antecedents and out of 15 prosecution witnesses, only one witness has been examined.

I have heard the learned counsels for the parties and perused

the record.

Admittedly, the petitioner, who is father-in-law of deceased, is behind bars since 15.06.2022. The allegations against the family members as alleged in the FIR are of the demand of Air Conditioner. Husband of the deceased is already behind bars and now as submitted before this Court that brother-in-law of deceased has also been summoned under Section 319 of Cr.P.C. There is nothing on record to show that the petitioner has any criminal antecedents. However, out of 15 prosecution witnesses, only one witness has been examined till date.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.08.2023
rittu

(RAJESH BHARDWAJ)
JUDGE

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