

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18163 of 2023
Date of decision: 2nd May, 2023

Chanan Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner, who is father-in-law of the deceased, is seeking the concession of regular bail in case FIR No.124 dated 09.10.2019 under Section 304-B IPC (Section 316 IPC added later on) registered at Police Station Nurpur Bedi, District Rupnagar. This is third petition filed by the petitioner under Section 439 Cr.P.C.

Learned counsel for the petitioner inter alia contends that a false and fabricated case has been planted upon him at the instance of his deceased daughter-in-law’s mother. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that no specific role, much less qua the alleged harassment has been levelled against the petitioner, therein. It has also been submitted that had the deceased indeed been subjected to the alleged acts of harassment, her brother

would not have kept quiet at the time when the inquest was conducted but would have surely reported to the police that his deceased sister had been harassed by the accused including the petitioner. He further submits that the petitioner, who is a 66 years old man, has now been in custody since 01.11.2019, and all the material witnesses including the complainant stand examined. Hence, in the circumstances, his further incarceration would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt, the brother of the deceased at the time of the inquest proceedings did not level any allegation against the accused including the petitioner, of subjecting his sister i.e. the deceased to any kind of harassment, however, in the FIR which was registered on the following day of the occurrence, the complainant had categorically alleged that the in-laws family of her deceased daughter had been subjecting her to continuous mental harassment on account of dowry demands. Learned State counsel further submits that the complainant while stepping into the witness box, had fully supported the case of the prosecution.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner, who is a 66 years old man, has now been in custody for more than 3 ½ years, having been arrested on 01.11.2019. All the material witnesses including the complainant stand examined,

hence there is no likelihood of the petitioner trying to influence the prosecution witnesses to depose in his favour, much less, to tamper with the evidence on record. The prosecution evidence is still underway and thus, the trial shall take considerable time to conclude.

On a pointed query put to the learned State counsel, he submits that co-accused Kulwinder Kaur, mother-in-law of the deceased has since been extended the concession of bail by this Court vide order dated 20.03.2023, however, the husband of the deceased is still in custody.

In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 2, 2023
rps

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