

CRM-M-20411-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CRM-M-20411-2022

Date of Decision: 22.03.2023

Chainchal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Arora, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Gursahib Singh)

Mr. Gaurav Kalsi, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 Cr.P.C., is seeking regular bail in FIR No.85 dated 12.09.2021 under Sections 304-B & 34 of IPC, registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. The case of the prosecution is that Darshan Singh son of Ajit Singh lodged a complaint with police averring that he is a labourer having three children. He had got married his daughter Mandeep Kaur with Ravinder Singh. At the time of marriage, he had given sufficient dowry articles as per his capacity but in-laws of his daughter were not satisfied. She was tortured by her husband, sister-in-law and father-in-law. The husband was demanding motorcycle. On 04.09.2021, his son had brought back his daughter to her parental home. On 08.09.2021, he

left his daughter at her in-laws house and she committed suicide on 12.09.2021.

3. Learned counsel for the petitioner, *inter alia* contends that petitioner has been mechanically roped in the alleged offence. There was no demand of dowry on the part of petitioner. Even as per statement of complainant, there is an allegation against son of the petitioner who is already in custody. The petitioner is in custody since 15.09.2021. The wife of the petitioner and mother of the deceased were first cousins. As per cross-examination, the petitioner is having one car and motorcycle whereas complainant is a labourer, thus, there was no question of demand of motorcycle from the complainant. The petitioner is not involved in any other case. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Tarn Taran. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Custody certificate dated 21.03.2023 is taken on record. Registry is directed to tag the same at appropriate place. As per custody certificate, the petitioner is in custody since 15.09.2021 and he is not involved in any other crime.

5. Learned State counsel submits that police report has already been filed and charges stand framed. He further submits that out of 29 witnesses, 4 have already been examined which includes complainant who has supported case of the prosecution. The petitioner is involved in

the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. In the case in hand, the petitioner is father-in-law of the deceased. *Prima facie* there are allegations against husband of the deceased. The petitioner, as per custody certificate, is in custody since 15.09.2021, however, date of arrest is 12.09.2021. It means the petitioner is in custody since the registration of FIR. The petitioner is a 69 years old man. The son of the petitioner is also in custody. The complainant stands examined. The Trial Court yet has to return definite findings on the disputed issues. There are 29 prosecution witnesses and till date only 4 have been examined, thus, there is abysmally low possibility of conclusion of trial in near future. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail

subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

22.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>