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2023 : PHHC : 090647

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20333-2023

Date of Decision: 19.07.2023

BHAGWAN SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. K.B.Raheja, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

1. Bhagwan Singh-petitioner is seeking regular bail in the case bearing FIR No.102 dated 10.08.2021 under Section 304-B IPC, registered at Police Station Sadar Jalalabad, District Fazilka.
2. Custody certificate has been taken on record.
3. Briefly, the FIR has been registered on the allegations that the marriage of the deceased was solemnized with Jaswant Singh, the son of the petitioner about 07 months prior to the occurrence. The petitioner along with other family members had been raising demand of Rs.2,00,000/-. The father of the deceased arranged a sum of Rs.50,000/- and gave to the husband of the deceased with an attempt to save the marriage. A day prior to the occurrence, the deceased gave a telephonic call to her father and inform that the petitioner along with other family members are raising demand of Rs.1,50,000/-. The deceased had committed suicide by hanging herself on 10.08.2021.

4. Learned counsel for the petitioner contends that substantially, same allegations were levelled against another son and daughter-in-law of the petitioner who were found innocent during the course of investigation. The amount of Rs.50,000/- was allegedly paid to the son of the petitioner. The petitioner is the father-in-law of the deceased and is aged about 60 years. The charge was framed as back as on 06.09.2022 but till date, no witness has been examined. The petitioner is in custody for a period of 01 year, 08 months and 27 days and not involved in any other case. Jogindro Bai, the wife of the petitioner, who is similarly placed with the petitioner has been granted regular bail in terms of the order dated 14.02.2023 passed in CRM-M-6833-2023.

5. Learned State counsel and learned counsel for the complainant have not assailed the aforesaid factual aspects but have opposed the bail application on the score that there are allegations with regard to commission of dowry death which took place after a period of about 07 months from the date of marriage.

6. It is significant to note that the petitioner is the father-in-law of the deceased and is aged about 60 years. He is in custody for a period of 01 year, 08 months and 27 days and not involved in any other case. The charge was framed as back as on 06.09.2022 but out of 15, till date no witness has been examined. The similarly placed co-accused Jogindro Bai, who is the wife of the petitioner, has been granted regular bail. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making

any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

19.07.2023

Janki

(VIVEK PURI)
JUDGE

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