

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

215

**CRM-M No. 20341 of 2023
Date of Decision : 1.5.2023**

*Gurmit Singh**..... Petitioner**versus**The State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. GPS Ghuman, Advocate and
Mr. P.S. Maan, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

Mr. Parveen Kumar, Advocate, for the complainant

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.171 dated 27.8.2021 under Sections 304-B and 120-B, IPC registered at Police Station Urban Estate, District Patiala.

2. Briefly, the allegations as per the FIR, recorded on a statement by the deceased's brother are, that her husband and in-laws used to taunt and harass her for bringing less dowry. Her in-laws pressurised the complainant and his family at the time of marriage, and took an Innova Crysta car from them. They had demanded a motor cycle also, upon which a sum of Rs. One lakh was paid in cash to the in-laws family. When the deceased's husband and his family members brought her sister to Patiala on 8.12.2018, as a child was born to her, he had given a gold ring of four *tolas* and one lakh rupees in cash to her husband. Since beginning, the in-laws family has been taunting her sister and harassing her for bringing less dowry. On 26.8.2021, his sister gave a call

to his mother and told her that she was being harassed for bringing more dowry. She asked her to take her away otherwise she would be killed.

3. Learned counsel for the petitioner contends that the petitioner is father-in-law of the deceased, and has no concern with disputes between the deceased and her husband. There is no allegation of him causing any harassment or injury to the deceased for demand of dowry soon before death. He is about sixty eight years of age and has medical issues. His wife is a cancer patient and has also suffered a paralytic attack. There is no one at home to take her care. He has also referred to a compromise dated 20.3.2020 said to have been executed by him with his son (deceased's husband) to the effect that he alongwith his wife will be staying separately on the ground floor of the house, and his son with his family will be staying at the first floor of the house, and the two will not interfere in each other's life. He has also submitted that the deceased was suffering from depression.

4. Learned State counsel, on instructions from ASI Dev Raj, assisted by learned counsel for the complainant, has opposed the grant of bail to the petitioner on the ground that the main accused/deceased's husband is at large. The cause of death is poisoning as per *viscera* report, that has been received. He, however, disputes the factum of compromise between the petitioner and his son regarding separate residence dated 20.3.2020. It is also contended that dead body of the deceased was found on the ground floor of the house. It is, however, not denied that investigation of the case is complete and challan/final report stands filed, and also that the petitioner's wife is paralysed.

5. The submissions made by learned counsel for the parties have been considered. The petitioner/father-in-law of deceased is senior citizen, aged sixty eight years. His wife, a cancer patient, has suffered a paralytic attack also and

remains unattended at home. Failure of the Investigating Agency to arrest the petitioner’s son/deceased’s husband, is no ground to keep the petitioner in custody when investigation in the case *qua* him is complete and the final report/challan already stands presented. Trial of the case will take some time to conclude. It is, therefore, deemed appropriate to admit the petitioner on bail.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

1.5.2023
Ashwani

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