

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

CRM-M-28773-2022 (O&M)

Date of Decision: 24.05.2023

Arvinder Singh @ Arwinder Singh @ Raman

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurpal Singh Sandhu, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Mr. A.K. Khunger, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

CRM-23089-2022

Allowed as prayed for.

Main case

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.313 dated 13.12.2020, registered under Sections 306, 120-B IPC and Section 304-B IPC added lateron vide order dated 01.05.2023, at Police Station Gidderbaha, District Sri Muktsar Sahib.

Adumbrated facts of the case are that statement of Daljeet Singh was recorded by the police, wherein it was alleged that his daughter Harkirat Kaur was married on 31.05.2020 with Arvinder Singh (Raman) i.e. the petitioner. Soon after the marriage, her husband and her father-in-law started harassing her for the demand of dowry. His son-in-law (petitioner) left his daughter at Gidderbaha (parental home) and threatened his daughter to bring Rs.2 lacs failing which or she should not call him. Time and again his daughter used to be harassed on account of demand of dowry. Son-in-

law of the complainant also threatened that if his daughter is sent back to the matrimonial home without giving her Rs.2 lacs, then he would jump in the canal and would commit suicide. On 06.12.2020, his daughter Harkirat Kaur left the parental home without informing anyone and did not return back. She left a handwritten note which was found from the TV cabinet. They tried to trace her out but failed in tracing her out. In the suicide notice, it was found written that her in-laws used to give beatings to her on account of demand of dowry. Prayer was made to take legal action against the accused. On the statement made by the father of Harkirat Kaur, FIR under Section 306, 120-B IPC was registered and the investigation commenced. The petitioner was arrested on 08.02.2021. He approached the Court of learned Additional Sessions Judge, Sri Muktsar Sahib for grant of bail, however, the learned Court after hearing both the sides, dismissed the same vide its order dated 08.04.2021. Aggrieved by the same, the petitioner on the earlier occasion had approached this Court by way of filing CRM-M-20716-2021, however, the same was dismissed as not pressed vide order dated 21.03.2022. The petitioner again approached this Court by way of filing the present second petition for grant of bail. It is apposite to note that during the pendency of this petition, the Investigating Agency added offence under Section 304-B IPC as well for which challan has also been presented.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case only for the reason that he is husband of the deceased. He submits that the deceased i.e. the wife of the petitioner was in the parental home at the time of occurrence.

He submits that allegedly she left the parental home without informing

anyone on 06.12.2020 and thereafter her dead body was recovered from the canal in Haryana on 07.12.2020. He submits that the petitioner was not even present at the time of occurrence. He submits that the alleged suicide note has also been produced by the family of the deceased and the same cannot be relied upon as the same is a procured document. He submits that there is nothing on record to show that the petitioner or his family members have ever caused any harassment to the deceased since the date of marriage, however, as the deceased was not happy with the marriage with the petitioner she committed suicide in the parental home on account of the same and the same has been given colour of dowry death after her suicide. He submits that the deceased left the home on 06.12.2020, whereas, the FIR was has been registered after a delay of about 7 days i.e. on 13.12.2020 with due deliberations. He submits that initially the FIR was registered for the offences under Section 306 IPC, however, during the pendency of the present petition, offence under Section 304-B IPC has been added. He submits that presumption under Section 113-B of the Indian Evidence Act is not even attracted and thus, the case at the most falls under Section 306 IPC for which ingredients are not even fulfilled to implicate the petitioner for abetting the suicide by the deceased. He submits that the petitioner is behind bars from the last about 2 years 3 months. He submits that in the added Section 304-B IPC, investigation is complete and the challan has already been presented. He submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances, he deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner before this Court is the husband of the deceased. He

submits that unnatural death on account of demand of dowry has taken place within 7 months of the marriage. He submits that suicide note is also recovered, wherein there are specific allegations made against the petitioner by the deceased. He submits that the suicide note was also sent to the FSL and the handwriting on the same is matched with that of the deceased. He has submitted that the investigation is complete, challan is also presented and as per his instructions from ASI Ranjeet Singh, the petitioner has no criminal antecedents.

Heard.

Evidently, the petitioner is behind bars since 08.02.2021. The occurrence in question has taken place in parental home of the deceased on 06.12.2020, whereas, the FIR was lodged about a week thereafter. Initially the FIR was registered under Sections 306 and 120-B IPC, however, offence under Section 304-B IPC was added during the pendency of the present petition. Whether the presumption under Section 113-B of the Indian Evidence Act is attracted or not would be debatable. However, there is nothing on record to show that the petitioner has any criminal antecedents. The investigation is already complete. Veracity of the allegations would be evaluated by the trial Court only after appreciation of complete evidence to be led by both the parties before it. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner

is ordered to be released on bail 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.

24.05.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No