

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

211

CRM-M-27378-2023

Date of Decision: 01.06.2023

Jagdeep Singh

...Petitioner

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Manoj Kumar, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab  
(assisted by ASI Harpal Singh)

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner, through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short '**Cr.P.C.**') is seeking concession of regular bail in FIR No.17 dated 24.02.2022 under Sections 306 & 120-B of Indian Penal Code, 1860 (for short '**IPC**') (Section 304-B of IPC added later on) registered at Police Station Smalsar, District Moga.

2. Learned counsel for the petitioner, *inter alia* contends that this Court vide order dated 01.05.2023 passed in CRM-M-29346-2022 has granted concession of regular bail to two co-accused. The role attributed to the petitioner is at par with role of co-accused, thus, petitioner deserves concession of regular bail on the ground of parity. The relevant paragraphs of order dated 01.05.2023 read as under:-

“3. The case of the prosecution is that petitioners are parents-in- law of the deceased. Father of the deceased

*lodged a complaint alleging that parents-in-law of the deceased were demanding dowry and they were asking for Scorpio car whereas he had given Brezza car on the occasion of marriage. The FIR was initially registered under Section 306 of IPC, however, later on vide DDR dated 16.07.2022 & 27.02.2022 Section 306 of IPC was deleted and Section 304-B of IPC was added. The marriage of the deceased with son of the petitioners was solemnized on 07.01.2020.*

*4. Learned counsel for the petitioners and learned counsel for the complainant are ad idem that petitioners were having agricultural land in the State of Rajasthan. They sold aforesaid land and purchased another piece of land in the name of the deceased.*

*The complainant during the course of investigation handed over one pen drive to Investigating Officer. The State in its reply has confirmed contents of pen drive and made it a part of challan. This pen drive contains conversation between brother-in-law (husband of nanad of the deceased) and maternal uncle of the deceased. In the conversation, husband of the nanad of the deceased is fighting on account of sale of land in Rajasthan and further purchase of land in the name of deceased.*

*5. Learned counsel for the petitioners, inter alia, contends that petitioners after selling their ancestral land had purchased land in the name of the deceased which shows their bona fide act and conduct. Had they been demanding dowry in the form of Scorpio car, there was no question of purchase of land in the name of deceased. The daughters of the petitioners and their husbands were demanding their shares which disturbed the deceased and*

*she committed suicide. The petitioners are in custody since 27.02.2022 and they are not involved in any other offence. They are more than 50 years old. The petitioners have been wrongly implicated in the commission of alleged offence. The petitioners are permanent resident of District Moga. The petitioners have deep roots in the society. There is no possibility of flee from justice.*

6. *Learned counsel for the complainant opposes the grant of bail to the petitioners.*

7. *Custody certificates dated 29.04.2023 is taken on record. As per custody certificates, the petitioners are in custody since 27.02.2022 and they are not involved in any other offence.*

8. *Learned State counsel submits that police report has already been filed and charges stand framed. He further submits that out of 21 witnesses none has been examined. The petitioners are involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.*

9. *In the case in hand, the petitioners are in custody since 27.02.2022 and they are not involved in any other offence. They had purchased land in the name of deceased, thus, debatable issues would arise qua demand of dowry and commission of offence punishable under Section 304-B IPC. The Trial Court yet has to return definite findings on the disputed issues. There are 21 prosecution witnesses and till date none has 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.*

*10. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petitions deserves to be allowed and accordingly allowed. The petitioners are ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.”*

3. Custody Certificate dated 31.05.2023 filed by respondent-State is taken on record. As per custody certificate, the petitioner is in custody since 04.03.2022 and he is not involved in any other crime.

4. Learned State counsel expressed his inability to controvert the afore-stated facts and especially the fact that role of the petitioner is at par with role of co-accused and they have been granted concession of regular bail.

5. In view of afore-stated order passed by this Court in the case of co-accused and involved 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/Illaq/Duty Magistrate concerned.

6. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

7. 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

01.06.2023  
Mohit Kumar

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