

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-33938 of 2023

Date of Decision:21.07.2023

Ankush Batra

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ramneek Singh Baweja, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.46 dated 05.03.2022, under Section 306 of the IPC, registered at Police Station City Sangrur, District Sangrur.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 26.04.2023, which is almost three months. He submitted that the investigation of the case has already been completed. He submitted that the charges in the present case were framed on 18.07.2023 and now the case is fixed for prosecution evidence. He further submitted that as per the allegations, the petitioner alongwith his father and other relatives had come to Kali Devi Mata Mandir, Patiala Gate, Sangrur and the father of the complainant was also called there. The complainant is the wife of the present petitioner and there at that point

of time, all the accused had raised a demand of dowry of Rs.5 lacs for the purpose of sending the petitioner abroad and the father of the complainant was also insulted by all of them. The incident took place on 03.03.2022 and the father of the complainant who was the father-in-law of the petitioner committed suicide next day i.e. 04.03.2022 as he could not tolerate the insult. He submitted that the other co-accused have been granted anticipatory bail and the petitioner was arrested on 26.04.2023. He further submitted that since the investigation of the case has already been completed, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that the petitioner has already faced incarceration for almost three months and the petitioner being the husband of the complainant was the main accused and the reason for demand of dowry was that he was to be sent abroad. He submitted that no prosecution witness has been examined till date and even the complainant has not been examined in the present case and the complainant is the wife of the petitioner. He also expressed apprehension that in case the petitioner is released on bail, then he may abscond from justice or influence any witness and has opposed the grant of bail to the petitioner.

4. I have heard the learned counsel for the parties.

5. The petitioner is in custody for almost three months. The apprehension expressed by learned State counsel considering the facts and circumstances of the present case, cannot be ignored and does carry weight. Mere fact that the other co-accused have been granted anticipatory bail by this Court does not create any right in favour of the petitioner for grant of regular bail in view of the fact that the

petitioner is the husband of the complainant and the allegations were that the petitioner was to be sent abroad and for that purpose a demand of dowry of Rs.5 lacs was made.

6. In view of the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 21, 2023

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