

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

CRM-M-43546-2022

Date of Decision:- 15.02.2023

VIPIN KUMAR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Vipin Kumar has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 114 dated 14.08.2020 under Section 304-B, 34 of IPC registered at Police Station Mukerian, District Hoshiarpur.

The facts of the case are that the complainant Dharam Pal gave his statement to the police that his daughter i.e. the victim, aged about 30 years was married to Vipin Kumar on 07.02.2018. He had given dowry beyond his capacity. After marriage, the husband of his daughter namely Vipin Kumar, mother-in-law Sunita and father-in-law Des Raj, in connivance with each other started taunting and harassing his daughter for bringing less dowry. He advised his son-in-law Vipin Kumar and his family not to harass his daughter as he had already given dowry beyond his capacity. His daughter gave birth to a child who is about one and a half years old. Thereafter, the accused persons started raising demand from his

daughter to bring Rs. 4 lacs for purchasing a plot. In order to save her married life, he gave Rs. 1,50,000/- in the month of January to Vipin Kumar. For sometime, they remained peaceful but thereafter, they started raising demand for a car. He strongly conveyed to his son-in-law and family that he cannot satisfy this demand and on this, they gave beatings to his daughter. A Panchayat compromise was also effected but they continued to harass his daughter by demanding car. Ultimately, on 13.08.2020 at about 08:00 p.m. he came to know that his daughter died by hanging herself. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that on 04.08.2020, a written complaint was given to the Panchayat on which compromise was recorded on 09.08.2020, which is Annexure P-1. In the compromise, there was no allegation of harassment caused to the victim due to demand of dowry. The statement of Dharam Pal, father of the deceased victim has been recorded as PW-1 which is Annexure P-2. From the said statement, no offence under Section 304-B of IPC is made out. The statements of two other witnesses are also recorded in part, which are Annexures P-3 and P-4. In fact, the material witnesses have been examined. The petitioner is behind the bars since long. The trial of this case may take some time. Learned counsel for the petitioner also referred to the bail orders of other co-accused namely Sunita and Des Raj, who are already granted concession of regular bail vide orders dated 18.05.2022 and 27.07.2022 respectively, which are Annexures P-6 and P-7. Therefore, it is prayed that the petitioner be also granted regular bail.

The bail application is opposed by learned counsel representing the State. The detailed status report has been filed. It is pointed out that

there are specific serious allegations against the present petitioner. He is the husband of deceased victim. The statements of prosecution witnesses are under progress. The next date fixed in this case is 14.02.2023. Considering the specific serious allegations and gravity of offence, the petitioner is not entitled to be released on regular bail.

I have considered the arguments and have gone through the record carefully. As per the facts mentioned above, the complainant Dharam Pal has levelled serious allegations of harassment, beating the victim by her husband Vipin Kumar as well as in-laws on account of their demand for dowry. As per the facts narrated by Dharam Pal, on one occasion he gave Rs. 1,50,000/- to save married life of his daughter but thereafter, there was demand for a car which the complainant refused. Learned counsel for the petitioner has placed on record the copy of application of Gram Panchayat dated 04.08.2020 on which compromise was effected on 09.08.2020, which is Annexure P-1. In the complaint itself, there is detail of maltreatment and apprehension of threat expressed by the victim. Obviously, the contents of application as well as the terms of compromise mentioned therein will be appreciated by the trial Court in case the same are relied upon by the petitioner in defence. The statement of complainant recorded in the Court clearly indicates the serious allegations levelled by the complainant against the accused persons. It is a case of unnatural death of the victim within two and a half years of marriage. The present petitioner is the main accused being husband of the deceased victim. Therefore, in my opinion, he cannot claim the concession of bail on the ground of parity along with his parents. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Vipin Kumar is accordingly, declined.

My above observations are made only for the disposal of the present bail application and it will have no bearing on the merits of the case.

15.02.2023

lalit

(AMARJOT BHATTI)
JUDGE

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