

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

202

CRM-M-46054-2023

Date of decision: 18.10.2023

Vinod Talwar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

PRESENT: Mr. Davinder Bir Singh, Advocate for the petitioner.

Mr. Abhay Pal Singh, DAG, Punjab.

Mr. J.S. Bhinder, Advocate for the complainant.

NIDHI GUPTA, J.

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 169 dated 25.08.2021 registered under Section 304-B read with Section 34 IPC at Police Station Tibba, District Police Commissionerate, Ludhiana.

The aforesaid FIR was registered on the basis of statement of the mother of the deceased which is reproduced as under:-

“Statement of Balvir Kaur W/o Satpal Singh R/o Street No. 2, Raj Enclave, village Jagirpur, Ludhiana aged about 52 years Mb. No. 79860-44843, stated that I am resident of above mentioned address. I am a household lady. I have four daughters and one son. My all daughters are married and son is unmarried. My daughter Sandeep Kaur @ Simi aged about 28 years has got married five years ago with Vinod

Talwar S/o Birbal Talwar R/o H.No. 6135, Street No. 10½, New Hargobind Ngar, Ludhiana who has one daughter of 3 years old namely Maulvi. After marriage, Vinod Talwar (husband) and Saroj Talwar (Mother-in-law) used to harass my daughter Sandeep Kaur @ Simi for dowry, but after accepted their mistake they used to take Sandeep Kaur to their home. Saroj Talwar, mother-in-law of my daughter Sandeep Kaur asked her to work and earn and also said that her son Vinod would not work. About 8 months ago, Saroj Talwar and Vinod Talwar shunt out my daughter Sandeep Kaur from their house after beating. Sandeep Kaur resided in my house for two months and know from the last 6 months she was residing at Street No. 6, Baba Namdev Colony Ludhiana on rent along with my second daughter Sharanjit Kaur who is a widow. On 24.08.2021, it was wedding anniversary of my daughter Sandeep Kaur on which Sandeep Kaur told me that she had called on phone to Vinod Talwar on anniversary but Vinod Talwar and his mother Saroj Talwar had abused Sandeep Kaur and insulted her and asked her to die. Today at 1.30 p.m. on dated 25.08.2021 my daughter Sandeep Kaur had committed suicide in her room by hanging on roof guarder by tying chunni around her neck due to harassment by her husband Vinod Talwar and mother-in-law Saroj. A suicide note written by Sandeep Kaur is also found. Legal action be taken against Vinod Talwar and Saroj Talwar.....”

Learned counsel for the petitioner, *inter alia*, submits that the aforesaid FIR was registered on the basis of statement of the mother of the deceased. It is submitted that the date of incident is 25.08.2021 and as admitted in the FIR itself, the deceased had been residing with her elder sister since 06 months prior to the incident, therefore, none of the material ingredients with regard to cruelty or demand of dowry on the part of the

petitioner or his family members as alleged in the FIR are made out. It is further submitted that the alleged suicide note recovered from the deceased is dated 03 years prior to the date of incident and furthermore, the same was not even sent for forensic examination. The petitioner has been in custody since 26.08.2021 and all the material witnesses stand examined, therefore, no useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per contra, learned counsel for the State has filed custody certificate dated 17.10.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 02 years, 01 month and 20 days. Learned counsel for the State assisted by learned counsel for the complainant vehemently opposes the prayer for grant of regular bail to the petitioner and submits that serious allegations have been made in the FIR. It is further submitted that out of total 19 prosecution witnesses, 06 have already been examined, so far. It is admitted that the material witnesses including the complainant and two eye-witnesses already stand examined by the trial Court.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that custody certificate reveals that there is no other case against the petitioner; and the fact that out of a total of 19 prosecution witnesses, only 06 have been examined by the trial Court so far, therefore, conclusion of trial will take considerable time and no useful purpose would be served by further

detention of the petitioner; and the fact that material witnesses stand examined, the present petition is **allowed**.

The petitioner-Vinod Talwar S/o Birbal Talwar, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

18.10.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No