

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.49551 of 2023 (O&M)
Date of Decision: 07.12.2023

Vishal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third petition for grant of regular bail as filed by the petitioner in case bearing FIR No.105 dated 02.07.2020 registered under Sections 304-B, 302 and 34 IPC at Police Station Division No.1, Pathankot, Punjab (alternate charge framed under Section 302 IPC). One petition bearing CRM-M No.2538 of 2022 had been dismissed as withdrawn on 24.01.2023 and the second petition bearing CRM-M No.5700 of 2023 (O&M) was disposed of on 08.02.2023 with the direction to the trial Court to conclude the trial expeditiously and preferably within six months.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Ajit Kumar on 02.07.2020 alleging therein that his younger daughter Deepti was married to the

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petitioner accused Vishal on 16.01.2020 as per Hindu Rites and Ceremonies. Sufficient dowry articles as per his capacity had been given at the time of her marriage to the in-laws family. However, the in-laws of her daughter were not happy with the same and they demanded more dowry. They used to taunt her daughter on this account and she was asked by them to leave her matrimonial house. About five months back, the victim had become pregnant. Her in-laws were taunting her even qua the money which was spent on her medical check ups. Even her phone was not being recharged by them and it was the complainant who was getting the same recharged. On 01.07.2020 at about 11:45 PM, the victim had called him on phone and told him that she had been extended beatings and abused by her in-laws and on request made by her to get her phone recharged, she had been given taunts by them. The complainant assured to visit her in the next morning. In the next morning, he had gone to her matrimonial house and made inquiries where her husband, mother-in-law and sister-in-law had started making complaints about his daughter. On asking, he was told that the victim was sleeping in a room on 1st floor and on reaching there, it was found that his daughter had ended her life by hanging herself with the ceiling fan. He urged that the suicide of her daughter was abetted by her husband, mother-in-law and sister-in-law Rekha and prayed for taking action against them. The complainant recorded a supplementary statement on 13.07.2020 alleging that the petitioner, his mother and his sister had demanded a Swift Car and a sum of Rs.10 lacs from the victim. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 02.07.2020. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner

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is facing trial for commission of offences punishable under Section 304-B and alternatively under Section 302 of IPC.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated on the basis of vague and general allegations. No allegation qua demand of Swift Car and sum of Rs.10 lacs by the accused, had been made by the complainant at the time of lodging of FIR and a false story was concocted in this regard as an afterthought and supplementary statement of complainant was recorded. The allegations did not make out any case for commission of offence of dowry death against the petitioner. More so, it was a case of suicidal death and no case under Section 302 of IPC had been made out. The petitioner was in custody for a period of about three and half years. The trial was likely to take time. Despite directions being given by a Coordinate Bench of this Court in CRM-M No.5700 of 2023 to conclude the trial within six months, the trial of the case was still going on. No useful purpose would be served by keeping him in custody any more. Hence, he has argued that the petition deserves to be allowed.

4. Status report has been filed by respondent No.1 which is taken on record. Learned State counsel has argued that there are serious and specific allegations qua demand of dowry and death of the victim on account of harassment meted out at the hands of the petitioner and his family members had been made out from the allegations in the FIR. The learned trial Court is fastly going on with the trial and the substantial number of witnesses has since been examined. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Hence, it is argued that the petition does not deserved to be allowed.

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5. The petitioner is alleged to have harassed his wife i.e. the victim Deepti and is further in pursuance of his common intention with the co-accused who are his family members is alleged to have caused her death by way of suicide within six months of her marriage. There are serious allegations against the petitioner. Copies of the orders passed by learned trial Court have been placed on record by the petitioner himself which reveal that the trial Court is making strenuous efforts to conclude the trial by granting short adjournments and a substantial number of witnesses have already been examined. As such, it cannot be stated that there would be any undue delay in conclusion of the trial.

6. Keeping view the nature of the subject offence, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the opinion that the petition does not deserve to be allowed. Hence, the same is dismissed. However, a direction is given to the trial Court to decide the case expeditiously by making strenuous efforts including taking coercive action against the witnesses who are not turning up for their examination. A copy of this order be sent to the concerned Court for information and compliance.

7. Miscellaneous application(s), if any, also stand disposed of.

07.12.2023
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(MANISHA BATRA)
JUDGE

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