

HARDEV SINGH

VERSUS

STATE OF PUNJAB

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Manaise, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been placed on record.
2. Mr. Sukhbir Maandi, Advocate has put in appearance on behalf of the complainant and filed Vakalatnama, which is taken on record.
3. Hardev Singh-petitioner is seeking regular bail in the case bearing FIR No.54 dated 30.03.2023 under Sections 304-B/34 IPC, registered at Police Station Sadar Patti, District Tarn Taran.
4. Briefly, the FIR has been registered on the allegations that the marriage of Navjot Kaur-deceased was solemnized with Balraj Singh, the son of the petitioner on 05.10.2020. On 30.03.2023, the deceased telephonically informed her father that her husband, father-in-law and mother-in-law are harassing and taunting her for demand of dowry and a fortuner car. On the same day, at about 12:30 PM, the petitioner telephonically informed the complainant that her daughter had committed suicide by hanging herself.
5. Learned counsel for the petitioner contends that there are general and sweeping allegations with regard to demand of dowry and fortuner car levelled

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against the husband, father-in-law and mother-in-law of the deceased. An enquiry in the matter was conducted by the Deputy Superintendent of Police and the petitioner along with his wife were found to be innocent. Supplementary report along with application for discharge was also submitted but the learned Illaqa Magistrate had committed the supplementary challan to the Court of Sessions as the earlier challan was already committed to the Court of Sessions.

6. Learned State counsel has not disputed the fact that during the course of enquiry, the petitioner and his wife were found to be innocent and supplementary challan was also presented against the petitioner. It has been further submitted that the charge has been framed and no witness has been examined till date.

7. Learned counsel for the complainant has opposed the bail application on the score that there are categoric allegations with regard to demand of dowry and a fortuner car have been levelled against the petitioner and the Deputy Superintendent of Police has conducted the enquiry in a partial manner. The death has occurred on account of hanging within a period of 03 years from the date of marriage.

8. An enquiry report as submitted by the Deputy Superintendent of Police may not be a conclusive factor to arrive at a conclusion with regard to the innocence of the petitioner. However, it is significant to note that there are general and sweeping allegations with regard to demand of dowry and a fortuner car levelled against the petitioner, his son and wife. The detail of dowry articles except the fortuner car regarding which the demand was allegedly raised has not been specified. Substantially same allegations have been levelled against the wife of the petitioner but no challan has been submitted against her. The petitioner is

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is over and no witness has been examined till date. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

9. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. The petition is allowed accordingly.

12.10.2023
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(VIVEK PURI)
JUDGE

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