IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No. 54020 of 2022
Date of Decision : 20.1.2023

Swashtik Sharma and others ..... *Petitioners*

versus

State of Punjab ..... *Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.S. Rai, Senior Advocate with
Ms. Radhika Mehta, Advocate and
Mr. Puneet Bali, Advocate, for the petitioners

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioners in case FIR No.149 dated 1.7.2021 under Sections 304-B, 34 IPC (Section 304-B and 34 IPC deleted and Sections 306, 201 added later on) registered at Police Station City Kotkapura, District Faridkot.

As per allegations in the FIR, the complainant's daughter, aged 27 years, who was married to Shubham Moudgil on 30.4.2021, died in matrimonial house. Allegedly there have been demands of dowry by the husband and the petitioners herein, who are brother-in-law, mother-in-law and sister-in-law of the deceased.

Learned senior counsel for the petitioners has argued that initially the challan was filed against all the accused on 22.9.2021. Subsequently, a supplementary challan was submitted on 30.1.2022, wherein all the petitioners were found innocent. On that basis the investigating agency moved an application for release of the petitioners, which, however, was not accepted on a technical ground that the investigation was carried out without permission of

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Court. That is how the petitioners remain in custody since 5.7.2021. It is also submitted that the petitioners were not residing jointly with the deceased and her husband, nor had they any concern with their disputes. They have been implicated only to settle personal scores. Investigation in the case is complete, and charges have also been framed but none of the prosecution witnesses has been examined so far.

Learned State counsel, on instructions from ASI Balwinder Singh, opposes the grant of bail by stating that the trial is about to commence, and the witnesses, forty five in number, will be examined. He, however, is not in a position to dispute the facts aforestated.

In this background, when investigation of the case is complete and trial is not likely to conclude in near future, no useful purpose will be served by keeping the petitioners in custody during trial.

Accordingly, the petition is allowed. The petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

20.1.2023
Ashwani

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

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