

Neutral Citation No.2023:PHHC:162306

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

**CRM-M No.53534 of 2023
Date of Decision: 18.12.2023**

Dinesh Kumar

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Siddharth Gupta, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The instant one is the 3rd application for grant of regular bail as filed by the petitioner in case bearing FIR No.222 dated 21.10.2018 registered under Sections 304-B and 120-B of IPC at Police Station Jamalpur, District Ludhiana. Two previous petitions as filed by him as bearing No.CRM-M-1206 of 2020 and CRM-M-9489 of 2022 had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 21.10.2018 on the basis of statement recorded by complainant Shalinder Kumar alleging therein that his daughter Preeti was married with the petitioner in the year 2016-17. After her marriage, the petitioner and other members of his family used to harass her daughter on account of bringing insufficient dowry. She was tortured on trivial issues. They pressurized her to bring an amount of Rs.5 lacs from her parents for the purpose of starting a new

Neutral Citation No.2023:PHHC:162306

business for the petitioner. On 17.10.2018, the complainant along with his friend Surinder Thakur had gone to the matrimonial house of his daughter and during conversation, the petitioner and his family member started raising demand of Rs.5 lacs. His daughter told him that she was extended threats to her life by them. On 20.10.2018, on receipt of an information that his daughter was being beaten up by her in-laws, he had gone to her matrimonial house but was informed that she had been taken to Civil Hospital by her in-laws. On reaching there, he had found that his daughter had expired. Marks of injury were found on her person. There were also strangulation marks on her body. While alleging that she died a dowry death, he prayed for taking penal action against the culprit. After registration of FIR, a case under Section 304-B and 120-B of IPC was registered. Investigation proceedings were initiated. During investigation, the present petitioner was arrested on 22.10.2018. After completion of necessary investigation proceedings and usual formalities, challan was presented against him and the co-accused and presently, he is facing trial.

3. The present petition has been filed by the petitioner and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody w.e.f. 22.10.2018. General and omnibus allegations were levelled against his family members and himself. His sister who had been implicated as an accused has been extended benefit of anticipatory bail whereas his parents have been ordered to be released on bail. It was a case of suicidal death. The victim had died as a result of hanging. More than 40 opportunities have been availed by the prosecution to conclude its evidence. However, still the trial is going on and the evidence of the prosecution has not completed. Material witnesses have been examined. The trial is to take

Neutral Citation No.2023:PHHC:162306

time. Further incarceration of the petitioner will not serve any useful purpose. Therefore, it is argued that the petitioner deserves to be given extended benefit of bail.

4. The respondent-State has resisted the prayer made by the petitioner as per the contents of the status report filed by it. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner. Ten out of the sixteen witnesses have already been examined and only one witness has been given up and only five remain to be examined. The trial is going on at a good pace. In their sworn depositions, the material witnesses have levelled specific allegations qua demand of dowry and consequent harassment of the victim at the hands of the petitioner and his family members on account of those demands. There are chances of petitioner's absconding if extended benefit of bail. Hence, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and learned State counsel and have perused the record.

6. The petitioner is alleged to have subjected the victim i.e. his wife to harassment and torture to such extent on account of demand of dowry as made by him and his family members, that the victim had died due to hanging herself. There are serious allegations against the petitioner. The trial is being expedited and it cannot be said that there would be any undue delay in conclusion of the same.

7. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction of the petitioner may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the

Neutral Citation No.2023:PHHC:162306

considered opinion that the petition does not deserve to be allowed and hence the same is dismissed.

18.12.2023
manju

(MANISHA BATRA)
JUDGE

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