



CRM-M-4253-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-4253-2024 (O&M)
Date of decision:01.08.2024

Rakesh Singh

... Petitioner

Vs

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Kumar Gupta, Advocate and
Mr. Rohit Joshi, Advocate for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. Instant fourth petition has been filed under Section 439
Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
132	23.05.2020	City Kharar, District SAS Nagar	304-B of IPC

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Veeru @ Vishal, brother of the deceased Shalu, on the allegation that his sister was married to Rakesh Singh, present petitioner, in October, 2018 and was continuously harassed by her in-laws, who were demanding dowry. With the intervention of the relatives and other respectables, matter was repeatedly compromised but there was no change in the circumstances. A son was born out of wedlock



on 23.06.2019. Neha, another sister of deceased received a telephonic call that Shalu was being beaten by her in-laws. Complainant along with his relatives and some Panchayat Members reached the matrimonial home of his sister, where he came to know that Shalu has committed suicide by hanging.

3. Counsel for the petitioner contends that the previous petition filed by the petitioner was rejected by this Court vide order dated 28.04.2022, Annexure P-8 and the petitioner remained unsuccessful before the Supreme Court. He submits that after the dismissal of the previous petition, the crucial prosecution witnesses have been examined. He asserts that besides the complainant, parents of the deceased as well her sister Neha, have stepped into the witness box and have testified. He submits that there are material variations in the evidence of the prosecution. It is his argument that the offence under Section 304-B of IPC is not made out. He submits that the other co-accused has been released on bail.

3. Per contra, State counsel upon instructions, has opposed the petition. He has filed custody certificate dated 31.07.2024, which is taken on record and submits that the petitioner is not involved in any other criminal case. As per his specific instruction, 7 out of 15 prosecution witnesses have been examined, who have supported the case of the prosecution.

4. I have heard counsel for the parties and considered their respective submissions.



5. Allegation levelled against the petitioner would remain the subject matter of debate and would be examined by the trial Court on the basis of the ocular and documentary evidence led by the prosecution. Petitioner has been in detention for the last more than 50 months and the prosecution is yet to examine more than half of the witnesses. Noticing the length of the detention of the petitioner, the stage of trial and that vital witnesses have been examined, this court has no hesitation in acceding to the prayer made in the petition.
6. Without advertng to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Pending application, if any, also stands disposed of.

01.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No