

CRM-M-5211-2024 (O&M)

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:107581



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DATE OF DECISION : 21.08.2024

SANDEEP ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab assisted by
SI Harbhajan Singh.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No. 34 dated 21.03.2020 under Sections 304-B, 120-B IPC registered at Police Station Bhadson, District Patiala.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case at the instance of the father of the deceased. There are no specific allegations levelled against the petitioner. Rather, vague and general allegations have been levelled in the FIR. The marriage of the victim was solemnized on 02.05.2018 with the petitioner and out of the wedlock a female child was born. It was also pointed out that the marriage of the younger brother of the petitioner was

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also solemnized on the same day with the younger daughter of the complainant and even they have been blessed with a female child. There are no allegations levelled by the younger sister of the victim with regard to demand of dowry. The petitioner is in custody for a period of more than 4 years and 4 months but the prosecution witnesses are intentionally not appearing before the trial Court. Rajni Meera @ Rajni, the co-accused of the petitioner has been granted regular bail by the Co-Ordinate Bench of this Court vide order dated 21.10.2022 in CRM-M-7835-2022.

3. Custody certificate dated 20.08.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 04 years, 04 months and 27 days of custody.

4. Per contra, learned State counsel has opposed the bail application. However, the State counsel could not controvert that the trial is going at a snail's pace.

5. I have heard the counsel for the parties and perused the relevant record.

6. The petitioner is the husband of the deceased. There are allegations against the petitioner that in connivance with his family members, he used to harass his wife-Laadi Kaur and was continuously demanding more dowry and she was compelled to end her life. As per the medical evidence, the death took place due to hanging.

7. No doubt the allegations against the petitioner are serious in nature. However, the investigation is complete. Final report under Section 173 Cr.P.C. has already been presented in the trial Court on 01.10.2020.

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Charges have been framed against the petitioner on 02.07.2021. There are 19 total witnesses to be examined. As per various orders passed by the learned trial Court, the prosecution witnesses are not appearing despite their service. As per order dated 07.12.2023, despite service through bailable warrants, initially PW Darshan Singh did not appear and thereafter, the said witness appeared at 12:40 p.m. and sought adjournment. On 30.07.2024 the trial Court was directed to conclude the recording of the statement of the PWs-Karamjit Singh and Darshan Singh on the next date of hearing and the Investigating Officer was also directed to ensure the production of said witnesses before the trial Court.

8. Today, learned counsel appearing for the petitioner has shown the order dated 07.08.2024 recorded by the trial Court which reflects that the said witnesses were not present despite being bound down for the said date. They were again ordered to be summoned by bailable warrants. Ultimately, at 12:50 P.M. one of the PW appeared and exemption was sought for the other prosecution witness.

9. The petitioner is in custody for 04 years, 04 months and 27 days as per the custody certificate. There is no other history against the petitioner. Keeping in view the long incarceration of the petitioner, he deserves the concession to be released on bail during the pending trial. Consequently, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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11. Pending miscellaneous application(s), if any, shall stand disposed of.

21.08.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

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