

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-7309-2024 (O&M)
Date of decision: 14.03.2024

Bakhtaur Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. C. S. Rana, Advocate
for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Karan Singla, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.61 dated 19.04.2023, registered under Section 304-B of IPC at Police Station Sadar Jagraon, District Ludhiana.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 18.04.2023, an information was received at the concerned police station regarding admission of the victim Lovepreet Kaur in Kalyani Hospital, Jagraon and then in Global Hospital, Ludhiana. It was further informed to the police that she had died in Global Hospital. On receipt of this information, a police party had reached there and recorded the statement of the complainant, who alleged that his sister Lovepreet Kaur was got married with accused Gurinder Singh on 24.06.2022. Her husband along with his

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family members had started harassing her on account of demand of dowry. She was physically assaulted and mentally harassed by them. He further alleged that on 18.04.2023 at about 03:00 PM, the victim had made a call to his wife and told her that her husband and members of her in-laws family were assaulting her on account of demand of dowry. She was pacified by the wife of the complainant but on the same night, a telephonic information was given by the son of the petitioner, who is uncle of the husband of the victim that her blood pressure and glucose level had gone down and she was taken to Kalyani Hospital, Jagraon and then was going to be admitted in Global Hospital. By the time they had reached at Global Hospital, she had died. He alleged that his sister had been killed by her husband and his family members as clear marks of strangulation could be seen on her neck. The allegations as levelled against the present petitioner were that he along with co-accused used to assault the victim on account of bringing less dowry. Investigation proceeding were initiated. Inquest proceedings and postmortem of the dead body of the victim was conducted. The petitioner was arrested on 21.05.2023. His wife, who was also nominated as accused, was extended benefit of anticipatory bail. After completion of necessary investigation and usual formalities, challan was presented in the Court. Some accused are yet to be arrested.

3. It has been argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 21.05.2023. He is uncle of the husband of the victim and had been residing with his family but separately from the in-laws of the victim from the last 15-20 years and had no concern whatsoever with the matrimonial life of the victim and her husband.

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The incident of committing suicide by the victim had not taken place in his presence. He was neither the beneficiary of the dowry articles of the victim nor was going to derive any benefit from the demand as raised from the victim. He along with his wife Baljit Kaur had been implicated in this case only due to his being a relative of the husband of the victim. His wife has already been granted concession of anticipatory bail by this Court, vide order dated 05.03.2024 passed in CRM-M-2758-2024. His case is on similar footing. Even the Gram Panchayat of his village has issued a certificate that he has been residing separately from the in-laws family of the victim from the last 15-20 years. Rather, due to family dispute, the petitioner had very rare speaking terms with the father-in-law of the victim. There are no specific allegations against him. The trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, thus, argued that the present petition deserves to be allowed.

4. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious allegations against the petitioner, as he along with the husband and other members of his family used to harass and assault the victim for bringing less dowry. Investigation has since been completed. *Challan* has been presented. There is nothing on record to show that there would be any undue delay in conclusion of trial. Therefore, it is argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner is uncle of the husband of the victim. He has been residing separately from her in-laws family from the last 15-20 years. Of

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course, he cannot be presumed to be a beneficiary to any demand of dowry as made by the in-laws family of the victim from her. There are no specific allegations of raising any particular demand by him from the victim or his family. Neither there is any specific attribution of any act of harassment of the victim on his part on account of demand of dowry. Unfortunately, the victim has died an unnatural death within ten months of her marriage. However, the fact that the petitioner had hand in causing her death, which can be presumed to be dowry death, will be proved only after thorough assessment and evaluation of evidence to be adduced in trial, which is likely to take time. He is in custody since 21.05.2023. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.03.2024
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>