

CRM-M-24098-2023 (O&M)

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:107615



CRM-M-24098-2023 (O&M)
DATE OF DECISION : 21.08.2024

KULWINDER SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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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. 77 dated 27.03.2022 under Sections 304-B, 34 IPC and Section 498-A IPC added later on, registered at Police Station Canal Colony, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner who is the husband of the deceased and 31 years of age, has been wrongly roped in the present case. The marriage of the victim was solemnized on 29.01.2022 with the petitioner and no dowry articles were given by the complainant's family at the time of marriage. It is contended that the deceased had committed suicide by hanging with a fan using *dupatta*

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and as per the medical report, the cause of death is asphyxia. It is contended that the statement of the complainant-PW1 (Annexure P-2) has already been recorded by the trial Court. There is no apprehension of tampering with the prosecution evidence. The petitioner is in custody since long. The conclusion of the trial is going to take time. Baljinder Kaur, co-accused of the petitioner has already been released on bail vide order dated 18.04.2023 passed by the Co-Ordinate Bench of this Court in CRM-M-13107-2023 (Annexure P-5).

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 02 years, 04 months and 19 days of custody.

4. Per contra, learned State counsel has opposed the bail application and contends that there are serious allegations against the petitioner that he used to give beatings to his wife and used to pressurise her to bring a sum of Rs. 5 Lakhs from her parents. Even a day before the occurrence, the deceased informed her mother telephonically that the petitioner and his mother are giving beatings to her.

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

6. No doubt, the allegations against the petitioner are serious in nature. The victim committed suicide by hanging in her matrimonial home soon after her marriage. However, the investigation of the case is complete and final report/challan under Section 173 Cr.P.C. has been presented on 10.06.2022 and charges have been framed on 28.07.2022. As per the status

report, out of total 24, only 2 witnesses have been examined. The petitioner

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is in custody for a period of more than 2 years and 4 months, as per the custody certificate. There is no other case pending against the petitioner and he is not having any history of any other criminal case. The statement of the complainant has already been recorded. 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.

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

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

21.08.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No