

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

224

CRM-M-25689-2023 (O&M)
Date of decision: 16.01.2024

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Ahluwalia, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Navjit Singh, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This is the second petition that has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 152 dated 29.11.2021, registered under Sections 304-B, 34 of the IPC at Police Station Shambu, District Patiala.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that 21.11.2021, complainant Harnek Singh along with his relatives reached the police station and recorded his statement to the effect that his daughter Sonia Devi got married with petitioner Sukhwinder Singh on

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27.06.2021. Sufficient dowry articles were given at the time of marriage but soon thereafter, the petitioner and his family members started taunting the daughter of the complainant for not bringing a car, due to which, she started remaining mentally upset. He alleged that on 12.10.2021, the victim has visited her parental house and had told the complainant about the said demand of car. The complainant had assured the petitioner, who had also come along with his daughter, to fulfill his demand soon and thereafter, they had left on 20.10.2021. He further alleged that on 29.11.2021, the complainant had made a call to his daughter but the same was attended by the petitioner, who informed him that the victim had ended her life by hanging herself with a fan by tying a shawl. By alleging that, his daughter had either been killed by the petitioner and his family members or had committed suicide on account of being harassed by them, he prayed for taking action against them. After registration of FIR, investigation proceedings were initiated. Post-mortem examination of the dead body and inquest proceedings were conducted. The petitioner and his mother were arrested on 30.11.2021. After completion of necessary investigation and usual formalities, challan was presented in Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 26.04.2023.

3. The present petition has been filed on the grounds and it has been argued by his counsel that he has falsely been implicated in this case on the basis of vague, general and omnibus allegations. The complainant had tried to

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rope in his entire family members. The only allegation against him is that he had raised demand of a car, whereas the family of the petitioner already owned a car, which is in the name of his brother. The trial is being delayed as despite the fact that the petitioner is in custody for a period of over two years, the examination of the complainant and other private witnesses has not been completed. No useful purpose is going to be served by detaining the petitioner in custody anymore. Co-accused Manjit Kaur and Gurmeet Kaur have since been extended benefit of bail. On the ground of parity, he too deserves to be given concession of bail. Therefore, he has argued that the present petition deserves to be allowed.

4. The respondent-State has resisted the prayer made by the petitioner by filing a detailed status report. It is submitted therein and learned State counsel has argued that there are serious and grave allegations against the petitioner. His wife had died an unnatural death within a period of five months of her marriage with the petitioner. The statements of the complainant and one more witness have already been recorded in chief. There is not going to be any undue delay in conclusion of the trial. The case of the petitioner cannot be stated to be at parity with the case of co-accused Manjit Kaur and Gurmeet Kaur. Hence, it is urged that the petition deserves to be dismissed.

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

6. The petitioner is alleged to have harassed his wife on account of demand of dowry. She died a suicidal death by hanging herself within five

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months of her marriage with the petitioner. Learned State counsel has placed on record photocopies of statement of complainant Harnek Singh (PW-3) showing that he had been partly examined as well as statement of PW-4-Labh Kaur, mother of the victim, wherein she is also shown to be examined in chief and have made depositions in support of the prosecution case. Keeping in view the nature of the allegations, which have been levelled against the petitioner, showing that there was a specific demand of a car by the petitioner and the victim was mentally upset because of that, due to which, she had committed suicide, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

16.01.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes