

Sr. No.216

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-26656-2023
Date of decision: 30th January, 2024**

YOGESH @ YOGESH SINGH**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Devender Arya, Advocate
for the petitioner.

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

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.119 dated 22.05.2022, under Sections 304-B and 120-B IPC (Sections 498-A, 406 IPC added later on), registered at Police Station Kotawali, Kapurthala, District Kapurthala.
2. The FIR was registered at the instance of the father-in-law of the petitioner with the allegations that marriage of the petitioner was solemnized with daughter of the complainant on 29.04.2018. The petitioner is working in Army Brigade, New Army Cantt., Kapurthala, District Kapurthala. After the marriage, the petitioner and his family members used to demand dowry from the daughter of the complainant. There are also allegations that the relatives of the petitioner had attempted to commit rape with the daughter of the complainant. The daughter of the complainant committed suicide on 21.05.2022 by hanging herself with ceiling fan

and telephonic information was received by the complainant through Army Officers.

3. Learned counsel for the petitioner contends that the petitioner is in custody since 24.05.2022. The petitioner is serving in Army. Out of the wedlock, a baby girl was born. The younger brother of the petitioner is also serving in Army and father of the petitioner has retired from Army, as such, there is no question of demand of dowry by the petitioner's family. It is further contended on behalf of the petitioner that the trial is going at a snail's pace. The complainant had moved an application under Section 319 Cr.P.C. and took 06 adjournments to argue the said application. It is further contended on behalf of the petitioner that the complainant had tried to rope in all the family members of the petitioner. However, the relatives of the petitioner were found to be innocent during the investigation, which clearly shows that a false and frivolous case has been registered against the petitioner. The petitioner has been implicated on unfounded allegations. In fact, the deceased was in depression and she committed suicide. There is no question of any role played by the petitioner.

4. Learned State counsel opposes the bail application of on the ground of gravity of allegations levelled against the petitioner.

5. I have considered the aforesaid contentions.

6. The marriage of the petitioner and the deceased was solemnized 04 years before she committed suicide. At the time of commission of suicide, the deceased was living with the petitioner at his place of residence in Army Cantonment. The statement of the complainant is yet to be completely recorded by the trial Court. There is apprehension of tampering with the prosecution evidence as the material witnesses are yet to be examined.

7. Keeping in view the above said circumstances, at this stage, the petitioner is not entitled to be released on bail. However, we are sure that trial Court will decide the application under Section 319 Cr.P.C. on the next date of hearing in the trial.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

30th January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No