



203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26021-2024

Date of decision: 24.09.2024

Maninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.72 dated 12.07.2023 under Section 304-B of IPC registered at Police Station Sudhar, District Ludhiana (Annexure P-1).

The FIR (*supra*) was lodged on the statement of the complainant by alleging that his daughter got married with the accused/petitioner and dowry to the best of his capacity was given. The accused/petitioner was addicted to intoxicants due to which there was a dispute with the victim. It is further alleged that the accused/petitioner used to pressurize the complainant side to give money so that he could start business. Even Rs.20,000/- was given earlier but he used to repeat the demand of more money. On 10.07.2023, the complainant received a message that his daughter is admitted in the hospital and when the complainant reached the hospital, his daughter had already died and she died of hanging and thus, the instant FIR got registered.



CRM-M-26021-2024

-2-

Learned counsel for the petitioner *inter alia* contends that the marriage between the petitioner and the deceased had taken place on 03.11.2019, whereas, the unfortunate death of the deceased has occurred on 10.07.2023 as she was under depression for not bearing a child even after four years of marriage and at the time of committing suicide, she has left a hand written suicide note and the same is available on record as Annexure P-3. The perusal thereof indicates that the deceased has written that she is responsible for her own death and no one is responsible for the same. Further, perusal of the FIR (*supra*) would indicate that there is no allegation that the deceased was subjected to cruelty on account of demand of dowry immediately before her death, as such, factual ingredients to breach the threshold of Section 304-B of IPC are clearly missing.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there are specific and serious allegations against the petitioner with regard to beating the deceased and demand of money and petitioner is also involved in two cases under the NDPS Act, as such, he is responsible for the death of deceased and is not entitled to any relief.

A two Judge Bench of Hon'ble Supreme Court in '***Satender Kumar Antil v. CBI***' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a



cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars for 01 year 02 months and 09 days as on 23.09.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 01 out of 19 prosecution witnesses has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.



CRM-M-26021-2024

-4-

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Maninder Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

24.09.2024
Neha

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