



resolved. On 19.10.2023, at about 4:00 PM, complainant received a call from his son-in-law Karambir that Rajdeep Kaur was not feeling well and had been taken to Bhatti Hospital, Khanauri. Then complainant and his son went to Khanauri, but after an hour, complainant was informed that Rajdeep Kaur had expired. When the complainant reached the said hospital, they came to know that dead body of Rajdeep Kaur had been taken to her in-laws' house. Complainant reached at the house of accused, where dead body of Rajdeep Kaur was lying on bed in bedroom. On being enquired, he came to know that she had hanged herself from ceiling fan. He was sure that his daughter had committed suicide due to harassment by Karambir, Dharamvir (brother-in-law) (petitioner), Suman (sister-in-law), Monika (daughter of Dharamvir), Om Patti (mother-in-law).

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated only for the reason that he is the elder brother of the husband of the deceased. There is no direct or indirect role of the petitioner in the marital life of the deceased and the entire family of the husband of the deceased i.e. sister-in-law and even school going daughter of the petitioner has been implicated in the present case. In the absence of any specific allegations, it would be a moot point for the trial Court to determine the complicity of the petitioner. It is further submitted that petitioner is behind the bars since 20.01.2023 and he is not involved in any other case.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground that involvement of the petitioner in the alleged occurrence would be determined by the learned trial Court and there is sufficient material available on record to indicate his complicity. Custody certificate filed by the respondent-State is taken on record.



5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is behind the bars since 25.01.2023 and he is not involved in any other case. The investigating agency has already concluded the investigation and has submitted the final report under Section 173 Cr.P.C. The trial of the case is likely to take long time to conclude as out of 24 witnesses cited by the prosecution, none has been examined so far. Further incarceration of the petitioner, without there being the prospect of the conclusion of the trial, in the near future, would be violative of his rights under Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. 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."

7. In view of the above, the present petition is allowed and the petitioner-Dharamvir 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.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

July 22, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No