



Sr. No.224

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

CRM-M-35537-2024

Date of decision: 03rd September 2024

DIWAN SINGH

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parminder Singh Sekhon, Advocate and
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner in case bearing FIR No.185 dated 14.09.2023, under Sections 304-B read with Section 34 IPC, 1860, registered at Police Station Sidhwan Bet, District Ludhiana (Rural) (Annexure P-1)
2. Learned counsel for the petitioner *inter alia* contends that at the time of alleged occurrence, on 13.09.2023, the daughter-in-law of the petitioner was living in the house of her parents. The daughter-in-law of the petitioner was living at her parental home for the last more than 02 years. The petitioner has been falsely implicated in this case. He is in custody for more than 11 months. Investigation is complete and final report/challan under Section 173 Cr.P.C. has already been presented before the trial Court.
3. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.



4. Learned State counsel has filed status report dated 02.09.2024, by way of affidavit of Sh. Jasjyot Singh, PPS, Deputy Superintendent of Police, Jagraon, District Ludhiana (Rural), on behalf of respondent-State of Punjab, which is taken on record. As per the FSL report (Annexure R-1), Aluminium Phosphide was found in the exhibits, which were sent for chemical examination.

5. Learned State counsel has confirmed that the petitioner is in custody since 15.09.2023. Custody certificate of the petitioner dated 02.09.2024 has been filed, reflecting his period of custody as 11 months and 18 days, which is taken on record.

6. I have heard the learned counsel for the parties and perused the relevant documents.

7. This is the second petition filed under Section 439 Cr.P.C. The first petition filed under Section 439 Cr.P.C., was dismissed as withdrawn vide order dated 08.05.2024, passed in CRM-M-1747-2024 (Annexure P-6).

8. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is father-in-law of the deceased/victim. It is not disputed that a long time prior to the alleged occurrence, the petitioner was residing in her parental house due to a matrimonial dispute *inter se* the son of the petitioner and the victim.

9. The allegations against the petitioner regarding the demand of dowry are matter of trial. There are total 14 prosecution witnesses, out of which, none has been examined so far. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.



10. 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.
11. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03rd September 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>