



1

CRM-M-38811-2024 (O&M)

224

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38811-2024 (O&M)

Date of Decision: 20.08.2024

DILPREET SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. G.S. Nahel, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

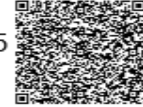
...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.27 dated 24.05.2023, registered for the offences punishable under Section 304-B of IPC (Section 498-A of IPC added later on) at Police Station Cheema, District Sangrur.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of the statement, "Statement of Sukhchain Singh S/o Bharpur Singh S/o Late Narang Singh R/o Ratolan, P.S. Chhajali, age around 27 years, mobile No. 88729-15240. Stated that I am resident of the aforesaid address and I do agriculture farming. We are four sister brother. My sister Sandeep Kaur's marriage was solemnized on 29-11-2022 with Dilpreet Singh S/o Hari Singh R/o Village Sheron. We had spent total around Rs. 60 lakhs on the marriage of my sister. My sister Sandeep Kaur had several times shared with us that my in-laws family taunts me in the name of dowry and about work and harasses me. In which connection we taking along our relatives had several times gone to Village Sheron and had been making understand the girl's in-laws family for not harassing her. My sister Sandeep Kaur was made to do all

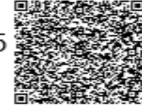


CRM-M-38811-2024 (O&M)

types of work intentionally, forcibly by her mother in law Sapinder Kaur, dadisas Gursev Kaur W/o Piara Singh and my jija Dilpreet Singh. My sister's chichi sas Sukhjit Kaur W/o Harjit Singh and his son Satinder Pal Singh S/o Harjit Singh had been harassing her by saying that our daughter in law Ramanjit Kaur has brought dowry in much excess than you and also does work more than you. Day before yesterday, on 22-05-2023, Dilpreet Singh's maasi Jaswinder Kaur W/o Yudhishtar Singh R/o Chhajali Kothe had said to my sister Sandeep Kaur that you are servant in this house, you will have to do all the work and will have to bring more dowry. Yesterday, on 25.05.2023, my sister Sandeep Kaur, on being upset from her inlaws family, had called us. When we had reached the spot in Village Sheron then Dilpreet Singh's bhua Karamjit Kaur W/o Harjinder Singh R/o Cheema was also present there and was taunting to my sister Sandeep Kaur that you will have to do each work here and will have to bring more dowry also, whom we had again made understand for not harassing Sandeep Kaur and I had asked the in-laws family to take along my sister but they had not sent my sister with us. Then all of us had returned back to our Village Ratolan. At around 9:30 P.M. Kamaljit Singh S/o Balwinder Singh R/o Ratolan, who is my sister's vichola, had called up on phone that your sister Sandeep Kaur has died and come to Vinayak Hospital. When we had reached Sunam then my sister's in-laws family had said that Sandeep Kaur is admitted in Chandigarh Heart Care Centre, Sangrur. When we had reached there then we came to know from hospital that Sandeep Kaur had died and her in-laws family has taken back her dead body in the vehicle only. When we had reached Village Sheron then my sister's whole in-laws family had absconded from home and my sister's dead body was lying in vehicle No. PB-13-BP-7400 Make Scorpio vehicle. We had taken my sister Sandeep Kaur's dead body in the same Scorpio vehicle to Civil Hospital, Sunam. My sister Sandeep Kaur on being physically and mentally upset from Dilpreet Singh S/o Hari Singh, mother in law Sapinder Kaur, dadisas Gursev Kaur W/o Piara Singh, chichi sas Sukhjit Kaur W/o Harjit Singh, Satinder Pal Singh S/o Harjit Singh residents of Sheron, maasi Jaswinder Kaur W/o Yudhishtar Singh R/o Chhajali Kothe, bhua Karamjit Singh W/o Harjinder Singh R/o Cheema on account of dowry and regarding work has ended up her life by hanging herself from neck. Appropriate legal action may be taken against abovementioned persons. I have got written my statement to you, heard and found to be correct. Sd/ Sukhchain Singh, statement corroborated RTI Mahinder Kaur W/o Bharpur Singh R/o Ratolan, Attested Sd/ Gurbachan Singh, ASI P.S. Cheema.”

3. Learned counsel for the petitioner has argued that the petitioner

is in custody since 25.05.2023. Learned counsel for the petitioner has

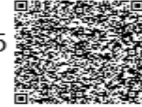
**CRM-M-38811-2024 (O&M)**

submitted that an application preferred by the prosecution under Section 319 Cr.P.C. was dismissed by the trial Court on 06.05.2024 whereinafter no prosecution witness has turned up for recording of testimony on 27.05.2024 as also on 13.08.2024. Learned counsel for the petitioner has argued that the prosecution/complainant is intentionally trying to delay the trial on account of which the petitioner is suffering further incarceration. Learned counsel for the petitioner has further argued that offence of Section 304-B of IPC is not made out against the petitioner in the factual matrix of the case. Learned counsel for the petitioner has further argued that the petitioner was granted interim bail by the ld. trial Court for one month on account of bad health of his ailing father and the same concession has never ever been misused by the petitioner and the petitioner had surrendered back in time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 25.05.2023 whereinafter investigation was carried out & challan was presented on 28.09.2023. Total 31 prosecution witnesses have been cited out of which only the complainant has been examined in-chief whereinafter an application under Section 319 of Cr.P.C. was preferred by the prosecution which has been dismissed on 06.05.2024. No prosecution witness has appeared on 27.05.2024 as also on 13.08.2024. It would be apposite to refer herein to a judgment passed by



CRM-M-38811-2024 (O&M)

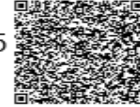
State of Maharashtra and another' decided in Criminal Appeal No.2787 of 2024 arising out of SLP (Crl) No.3809 of 2024', relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20 We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21 We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

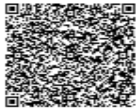
The earlier/first bail petition filed by the petitioner was dismissed as withdrawn at that stage on 26.02.2024 since the complainant was yet to be examined as a prosecution witness. From the contentions raised by the learned counsel for the petitioner, it is indubitable, that after the dismissal of the application under Section 319 of Cr.P.C. on 06.05.2024, no prosecution witness much less the complainant has entered appearance (to be recorded as a prosecution witness) on 27.05.2024 as also on 13.08.2024. The petitioner, undoubtedly cannot be kept into indefinite custody on account of prosecution witnesses not turning up. The rival contention of the learned counsel for the parties; as to whether the offence of Section 304-B of IPC is made out against the petitioner in the factual matrix of the *lis*; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at

**CRM-M-38811-2024 (O&M)**

this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 19.08.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 1 year 1 month and 24 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number



CRM-M-38811-2024 (O&M)

without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

20.08.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No