

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-48309-2023
Date of decision: 24.01.2024

Sukhdev Singh @ Sukha

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Tushar Sharma, Advocate,
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0097 dated 31.07.2021 registered for the offences punishable under Sections 304-B/34 IPC, at Police Station Fattu DHINGA, District Kapurthala.
2. The case set up in the FIR in question is as follows:-

“Statement of Sushil w/o Santokh Singh R/o Village Sharkpur P.S City Nakodar District Jalandhar Rural Aged about 44 years Mobile No. 8968863770, stated that I am the resident of abovesaid address my marriage was solemnized about 26-27 years back with Santokh Singh S/o Darshan Lal R/o Sharkpur and four children were born, and the elder daughter Suman is aged about 24 years, and younger to her Lovleen aged about 21 years, and younger to her Pariya aged about 20 years, and younger to all is boy Ravinder Kumar age 18 years, the marriage

of daughter Suman was Solemnized in 09.11.2014 with Sukhdev S/o Lal Chand R/o Ratra, and from her two children have born, elder Son Monu aged about 05 years and younger to him boy namely Sonu aged about 3 years, after solemnizing of the marriage of my daughter one year my son-in-law Sukhdev Singh and my Relative (Kudhmani) Darshan Kaur started complaining for bringing less dowry, and also use to beat her, and we used to make understand to our daughter, and also use to drop her with the company of Sukhdev being girl side, that about one and half month prior the dispute was occurred between them, then I took my daughter Suman to Sharkpur, and my daughter told me that my Son-in-law, Sukhdev Singh and my relative(Kudhmani), use to say that the plaster of my house has to be done which would cost around Rs 70,000/-, which has to be paid by you, I according to my capacity paid Rs 10,000/-, and drop my daughter Suman in the in-Laws House, and due to this matter my Son-in-law and my relative(Kudhmani), Darshan Kaur raised a dispute with my daughter, and regarding this my daughter informed me that take me back otherwise they will kill me Today the time might be 10:00-11:00 morning, phone call was received from village Ratra that your girl is not feeling well and due to that I alongwith my family reached village Ratra, and it was seen that my daughter had passed away, that my daughter Suman has been killed by my son-in-law, and relative Darshan Kaur, by administrating her some poisonous substance and I have left my daughter Lovleen with the dead body of my daughter, I alongwith my son were coming to inform the matter, so you met us, the statement has been recorded and heard, which is correct, I am claimant action be taken. Correct/Sushil, Correct/ Ravinder Kumar.

*Verified by Sd/-Amandeep Kumar, S.H.O Fattu DHINGA District Kapurthala
dated 31.07.2021”*

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 01.08.2021 & is in custody ever since then.

After investigation challan has been presented & trial is underway. Learned counsel for the petitioner has further argued that the mother of the deceased (complainant) as also brother of the deceased have also been examined as prosecution witnesses during the course of trial & no other material private witness remains to be examined. Learned counsel has also placed reliance upon order dated 07.07.2023 passed by this Court in CRM-M-9951-2022 vide which regular bail was granted to the co-accused, namely, Darshan Kaur @ Darsho. Thus, learned counsel for the petitioner has prayed for grant of regular bail.

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

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

6. The accused was arrested on 01.08.2021 wherein after investigation challan was presented on 28.10.2021. Total 18 PWs have been cited in the challan. The material private witnesses already stand examined. As per the custody certificate dated 23.01.2024, the petitioner has suffered incarceration for a period of about 2 years & 6 months. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. Hence, in considered opinion of this Court, further detention of the petitioner is not warranted.

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 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.

(SUMEET GOEL)
JUDGE

January 24, 2024
poonam

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