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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50176-2023 (O&M)

Date of Decision: 16.01.2024

BITTU VERMA

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rana Harjasdeep Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, 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.117 dated 02.06.2023, registered for the offences punishable under Sections 304-B read with Section 34 IPC (Section 304-B IPC deleted and 306 IPC added later on) at Police Station Tibba, Ludhiana, District Ludhiana.
2.
- The case set up in the FIR in question is as follows:-

“Stated that I am a resident of the afore-mentioned address and have been running a Grocery Shop in my house. I am having three (3) children, out of which one is son and two are daughters That both my daughters have been married. The elder daughter - Minakshi, whose age is about 37 years, her marriage was solemnized about 5 years ago with Bittu Verma son of Lal Chand, resident of House No. 7783. Street ('Gali') Number 17, Mohalla New Shakti Nagar, Police Station: Tibba Road, Ludhiana. That from this marriage, my daughter is having one son, whose age is 7 months. That it was the second marriage of my daughter - Minakshi and it was the second marriage of my son-in-law Bittu Verma also. My son-in-law - Bittu Verma who-is-addicted to drugs, regarding which my daughter has told her mother-in-law ('Sass') many at times. That thereafter, while coming to my house, my daughter has disclosed that he (her husband) frequently comes home after drinking liquor and also

gives beating to her. That by advising my daughter, I used to send her to her in-laws' house. That now, during the last about 2 years, my son-in-law Bittu Verma started teasing/ harassing my daughter - Minakshi to a large extent and he was also not giving her expenses to run the household chorus and for to meet her household expenses I was giving her money. Whenever arguments erupted between both these persons (wife-husband), then my daughter's mother- in-law-Ram Murti and her brother-in-law (husband's younger brother -Devar) Raman, by taking the side of his brother, were harassing/ teasing her by saying that you are leveling allegations upon my brother without any rhyme or reason and also if he consumes the intoxicants, he does not do so using the money of your parents. This fact was being told to me by my daughter when she was coming to our house, but it being the second marriage of my daughter, I used to advise my daughter. On dated 30.05.2023, the time was about 10.00 p.m. during night, when my daughter came to my house weeping and asked me that today again, my husband has consumed liquor and when I demanded the expenses for bringing the household articles, then he started hurling abuses to me and gave me beatings. I took my daughter to her month-in-law's house to advise her, where her mother-in-law ('Sass') Ram Murti and her brother-in-law (Devar) Raman started quarrelling with us and they stated that we have already turned them out, they were living separately. We are unable to advise them, it is the fault of your daughter, who harasses our son, on which the brother-in-law ('Devar) of my daughter. while arguing, slapped my daughter 1, by bringing my daughter along came bak to our house. That in the morning, due to worsening of condition of my daughter, I took her to the Civil Hospital, where the Doctor Sahib after examining and giving her initial treatment came back to the house, regarding which my daughter has got recorded a Complaint That today in the morning at about 09.00 A.M., on the asking of my daughter, I left her in her rented room, Near Mittal Karyana Store, Subhash Nagar, Ludhiana. Today at about 01.00 p.m., I came to know that being fed up for the daily harassment and giving beatings by her husband and her mother-in-law ('Sass) Ram Murti and brother-in-law ('Devar') - Raman, my daughter consumed some poisonous substance, on which we took our daughter Minakshi to Civil Hospital, Ludhiana where due to her deteriorating condition, the Doctors referred her to C.M.C. 31, Chandigarh, where she had died. I was coming to submit information to you that you have met me near Tirkoni Park. I have got my statement recorded to you in the presence of my young son-in-law ('Jawayee') - Kamal Batra, heard the same and it is

correct. Requisite legal action be taken against my son-in-law ('Jawayee') - Bittu Verma and his mother - Ram Murti and his brother - Raman. Sd/- Ashok Kumar Sood, Verified. Sd/- Kamal Batra 98724-80255."

3. Status report, by way of affidavit of Gurdev Singh, PPS, ACP (East), Ludhiana has been filed by learned State counsel and the same is taken on record.

4. Learned counsel for the petitioner has argued that the petitioner was arrested on 12.06.2023 & after completion of investigation, challan has been presented wherein 13 prosecution witnesses have been cited. The marriage between the petitioner and deceased-Minakshi took place about 5 years ago and the couple was blessed with a son, who is aged about 1 year at present. Initially, the FIR was registered under Section 304-B/34 IPC, but the challan has been presented only under Section 306 IPC. Learned counsel has argued that from the material appended with the challan, the offence under Section 306 IPC is not made out as the allegations relied upon are nothing but routine bickering in a matrimonial household. Learned counsel has thus prayed for grant of regular bail.

5. 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.

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

7. Investigation in the case is complete and the trial is underway. 13 prosecution witnesses have been cited in total, therefore, culmination of the trial will take its own time. The arguments raised by learned counsel for the petitioner as to whether the offence of Section 306 IPC is made out

trial. This Court does not deem it appropriate to delve deep into rival contentions regarding invoking of Section 306 IPC at this stage lest it may prejudice the rights of either of the parties. No tangible material has been brought forward to indicate that there is likelihood of the petitioner absconding from the process of law or interfering with the prosecution evidence. Petitioner has already suffered incarceration of more than 7 months and in the considered opinion of this Court, further detention of the petitioner is not warranted.

8. 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.

9. 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.

10. Ordered accordingly.

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

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

16.01.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No