

2024:PHHC:050677

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105+227

CRM-M-56672-2023

Date of decision: 16.04.2024

Narinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Premjit Singh Hundal, Advocate with
Mr. Gursahib Singh Hundal, Advocate and
Mr.Ankush Chauhan, 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. 03 dated 04.01.2022 registered for the offences punishable under Section 304-B and 34 of IPC, 1860 and (Section 498-A wrongly mentioned at Police Station Adampur, District Jalandhar.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Ram Lubhaya s/o Sh. Udho Rampal r / o House No. B-1748, Ram Nagar, Jalandhar, PS Division-I, City Jalandhar aged around 52 years Mobile No. 99156- 57806 stated that "I am the resident of above mentioned address and does the work of laborer, I have three children and the eldest is the daughter Niraj aged about 30 years, younger daughter Lavi aged about 28 years and youngest is the son Vishal aged about 25

years. The marriage of my daughter Niraj was solemnized two and half months back i.e. 10.10.2021 as per the religious rites and ceremonies with Narinder Singh son of Pargat Singh resident of Mohalla Begampura, Adampur District Jalandhar. After few days of the marriage, my daughter Niraj started remaining sad and when I inquired about the reason then she told that the jewellery given by me is stated to be fake by her in-laws and is also said that it is not as per their level and for not bringing enough they taunt her. I explained to my daughter that this a new marriage and told her to maintain good relations with the in-laws family. But the in-laws family of my daughter did not change and for bringing less dowry her mother in law Bhinder Kaur and father-in-law use to taunt her and her husband Narinder Singh for bringing less dowry use to harass her and also gives abuses. My daughter tried to adjust in the family since it was early days of the marriage. Yesterday on 02.01.2022 my daughter Niraj came to our house at Jalandhar to meet us and when we inquired about her well-being then she in fear looked towards her husband Narinder Singh and said that everything is fine. Today on 03.01.2022 my wife was calling my daughter Niraj but her mother-in-law Bhinder Kaur did not make her talk to my daughter and in the evening around 6:30 pm, my Kuram Pargat Singh called that come soon Niraj is not well, where upon me and my wife alongwith children went to helping hand Hospital, Adampur where the body of my daughter was lying and the doctor informed that she was brought dead. Her husband Narinder Singh father-in-law Pargat Singh and Mother-in-law Bhinder Kaur forced her to commit suicide by hanging herself as they used to taunt her for bringing less dowry and trouble her or else they have killed her by hanging. Action be taken Against accused persons. I have recorded my statement which is correct. SD/- Ram Lubhaya attested Harjinder Singh Inspector.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.01.2022. Learned counsel for the petitioner has further argued that the material private witnesses, namely, PW-1

(Devinder Singh-cousin of deceased) as also PW-2 (Ram Lubhaya/father of deceased/complainant) already stand examined. Learned counsel for the petitioner has further referred, *in extenso*, to the testimony of PW-2 (Ram Lubhaya/father of deceased/complainant) to argue that there are large number of inconsistencies in his testimony as also there is no evidence brought on record by the prosecution till date to prove maltreatment being meted out by the petitioner to the deceased or her family on account of dowry. Thus, regular bail is prayed for.

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

6. The petitioner was arrested on 04.01.2022 whereinafter investigation was carried out & challan was presented on 29.03.2022. Total 16 prosecution witnesses have been cited out of which only 5 have been examined till date. Thus, culmination of the trial will take its own time. The rival contention made by learned counsel for the parties; as to the weightage required to be attached to the testimony of PW-2 (Ram Lubhaya/father of deceased/complainant) as also as to what evidence has been brought on record regarding the maltreatment being meted out by the petitioner to the deceased or her family on account of dowry; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at 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 15.04.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 2 years, 03 months and 09 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 learned 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/Illaqqa 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

April 16, 2024
poonam

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