



Sr. No.223

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

CRM-M-60955-2023
Date of decision: 13th August 2024

LOVESH KUMAR @ LOVESH SAINI @ MINTUPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. G.K. Mann, Senior Advocate with
Ms. Simrat Kaur, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.15 dated 15.06.2022, under Sections 304-B, 34 of IPC, 1860, registered at Police Station Narot, Jaimal Singh, District Pathankot.
2. The FIR was registered at the instance of the father of the victim. As per the prosecution case, the marriage of the petitioner was solemnized with the victim about 05 months prior to the occurrence. On 14.06.2022, the victim died an unnatural death. It is an allegation that the victim committed suicide as she was being harassed by her husband and his family members on account of demand of dowry. The victim committed suicide by hanging herself in her matrimonial house.
3. Learned counsel for the petitioner contends that it was a love marriage and there is no question of giving any dowry articles. Learned counsel for the petitioner has submitted copy of the order dated 08.08.2024 and copies of the statements of witnesses PW-1 Madan Lal (complainant/father of the victim), PW-2



Ajay Saini (brother of the victim) and PW-3 Rakesh Kumar (neighbour of the complainant) in the Court today, which are taken on record.

4. Referring to the said statements, learned counsel for the petitioner contends that the complainant has admitted in his cross-examination that it was a love marriage between her daughter and the accused Lovesh Saini. She has also referred to the cross-examination where the complainant has admitted that the petitioner-husband of the deceased had given a complaint to the Police with the allegations that the deceased had stolen the jewellery from their house and thereafter, there was a compromise between the accused and the deceased in the said matter. It is further contended that the victim has also submitted that the complainant was not interested for the marriage of his daughter with the petitioner. The conclusion of trial is likely to take time, as such, prayer has been made to release the petitioner on bail.

5. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Custody certificate dated 12.08.2024 has been filed reflecting the period of custody of the petitioner as 02 years 01 month and 26 days, which is taken on record. As per the custody certificate, there is no history of any other criminal case pending against the petitioner.

6. Learned State counsel further submits that as per the medical opinion, the cause of death of the victim is asphyxia consequent upon *ante mortem* hanging, which is sufficient to cause death in ordinary course of nature.

7. I have considered the aforesaid contentions and perused the paper book.

8. The petitioner is in custody for the last 02 years 01 month and 26 days.



apprehension of tampering with the prosecution evidence. Out of total 15 prosecution witnesses, only 04 prosecution witnesses have been examined. 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 custody of the petitioner as an undertrial, the petitioner is able to make out a case for grant of bail, as such, the present petition is allowed.

9. 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

13th August 2024
simran

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