

CRM-M-62104-20231

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221CRM-M-62104-2023

Date of decision:15.02.2024

Krishan Dhir @ Krishan Lal @ Dhir....Petitioner

V/s

State of Punjab....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prateek Pandit, 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.19 dated 13.02.2023, registered for the offences punishable under Sections 304-B, 34 of IPC at Police Station Meharban, District Ludhiana.

2. The case set up in the FIR in question is as follows:-

“Stated that I am resident of above address and do tailoring work. I have four children. My daughter Vikramjit Kaur @ Vicky who is my second child had got married to Krishan Dhir @ Lal son of Lal Chand resident of village Mattewara in March, 2021 as per Sikh Rites in the house only. From this marriage Vikramjit Kaur @ Vicky had one child (boy) aged about 4 months. My son-in-law Krishan Dhir had come to our house to take my daughter back after 25 days of birth of child (Junepa). Alongwith him is sister Bindu and brother-in-law Happy resident of village Gahi Bhaini had also come. My son in law started insisting on taking back my daughter Vicky and started quarrelling. Then we ourselves went and dropped our daughter at our son-in-law house. Thereafter, everything was normal. After about 2 months we brought our daughter home with the consent of Krishan Dhir @ Lal. After about four days we left our daughter at her matrimonial house. On that night my son in law quarreled with my daughter and told her that your parents should not come here and he also took her mobile phone and said not to talk to anyone. Thereafter, my brother-in-law (Saddu) Lachhman Singh son of Chint Ram Resident of village Kumkalan alongwith respectable persons went to the matrimonial house of my daughter. We talked with the family of my son-in- law and

CRM-M-62104-2023

2

after agreement we left my daughter at her matrimonial house. Now about 15 days ago we took our daughter Vikramjit Kaur @ Vicky with us. On 09.02.2023 my son in law created ruckus outside our house and said to send the girl with him. We did not send the girl and took her phone. On the next day my daughter's mother-in-law Satya Devi, sister of my son-in-law Bindu and his aunt (Massi) Kaushalya and her son took my daughter on their responsibility. Today my brother-in-law (Saddu) Lachhman Singh called on phone and said that Vikramjit Kaur Vicky had an attack at about 12:00 Noon and we went to the house of my daughter and saw that the dead body of my daughter is lying on the bed and there were ligature marks around her neck. At that time my daughter's mother-in-law Satya Devi, father-in-law Pal Chand, Bindu and son-in-law Krishan Dhir alongwith Ishmeet Singh resident of Macchiwara were present in the house. When we went to give information then these persons ran away from the house. These five persons have killed my daughter by hanging. Legal action be taken against them. I have given my statement and the same is correct. Sd/-Amar Singh attested Avtar Singh ASI P.P. Mattewara P.S. Meharban District Ludhiana dated 13.2.2023."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 21.02.2023. Learned counsel has further argued that there was no such instigation or any overt/covert act on part of the petitioner so as to cause the death of the deceased. It has been further argued that the last incident as narrated in the FIR is of 09.02.2023 whereas deceased died on 13.02.2023. In this view of the matter, learned counsel has prayed for grant of regular bail.

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. Status report by way of affidavit of Sandeep Singh, Assistant Commissioner of Police (East), Ludhiana has been filed in Court today. The same is taken on record. Learned State counsel also seeks to place on record custody certificate dated 14.02.2024 in Court, which is taken on record.

CRM-M-62104-2023

3

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

6. The petitioner was arrested on 21.02.2023 whereinafter investigation has been carried out and challan was presented on 19.04.2023. Total 16 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties, as to whether the offence under Section 304-B of IPC is made out in the facts and circumstances of the case, will 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 case of either parties. Further, no tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 14.02.2024 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of about 01 year & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of above, the present 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.

CRM-M-62104-2023

4

- (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/Illaq 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

February 15, 2024
Ajay

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