



CRM-M-37460-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37460-2024
Date of decision:-30.01.2025

Manjinder Singh Dhaliwal

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.A.S. Brar Advocate
for the petitioner.

Mr. Puru Jarewal, AAG, Punjab.

Mr.Vinay Kumar Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

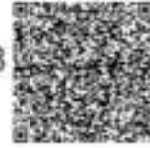
1. At the outset, counsel for the petitioner submits that although he has mentioned that this is the first petition, but in fact it is the second petition under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
53	25.07.2021	Ajitwal, District Moga	304-B, 34 IPC (Section 315 IPC was added later on)

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2. Case of the prosecution is that FIR, Annexure P1, has been registered on the statement of Sewak Singh, father-in-law of the petitioner on the allegation that his daughter Ramandeep Kaur was married to the petitioner on 01.12.2019. A huge amount was spent on the wedding, but her mother-in-law, Manjit Kaur, was not satisfied and kept on harassing her. When his daughter came to her paternal home, she confided in the complainant but he prevailed upon her and sent her back. Allegation has been levelled that when the present petitioner, who was serving in the Army came home on a month's leave, Manjit Kaur instigated him and he maltreated Ramandeep Kaur. A day before lodging the FIR, petitioner intimated that Ramandeep Kaur had committed suicide by hanging.

3. Counsel for the petitioner contends that the first petition preferred by the petitioner was disposed off vide order dated 20.04.2022 and the petitioner was permitted to attend the *Bhog* ceremony of his father, who had expired on 14.04.2022. It is his argument that the deceased had committed suicide and the petitioner has been falsely implicated for the offence under Section 304-B IPC. He urges that the essential ingredients of Section 304-B IPC are not satisfied inasmuch as the allegation of harassment is false and there is no allegation of demand of dowry in the FIR. He urges that the complainant has improved upon his version during the recording of evidence. He asserts that on an application moved by the prosecution, offence under Section 315 IPC has been added and although the Public Prosecutor had made a statement that the witnesses would not be re-

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examined, but now an application for their recalling has been moved, which is pending. Counsel asserts that the petitioner does not have any criminal past and has been languishing in detention since 29.07.2021.

4. *Per contra*, State counsel, who is assisted by counsel for the complainant, has opposed the petition. Custody certificate dated 29.01.2025, has been filed by the State counsel, which is taken on record. It has been argued that the petitioner is accused of a heinous offence and at the instigation of his mother, he had murdered Ramandeep Kaur. On a specific query, State counsel has apprised the Court that out of twenty eight prosecution witnesses, fifteen have been examined and six have been given up.

5. I have heard counsel for the parties and considered their respective submissions.

6. The involvement of the petitioner in the alleged offence and the veracity of the allegation levelled against him would be a subject matter of debate before the Trial Court. Petitioner has been in custody for the last more than forty two months and there is a little possibility of an early conclusion of the trial. Keeping in view the facts and circumstances of the case, this Court is of the view that the petitioner has made out a *prima facie* case for release on bail.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.



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8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

30.01.2025

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No