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

CRM-M-56210-2024 (O&M)

Date of decision: 03.04.2025

CHANDERKANT YADAV

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Subhash Aggarwal, Advocate for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Ms. Sweta Beniwal, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.197 dated 14.06.2024, under Sections 304-B, 34 and 498-A of the IPC, registered at Police Station Derabassi, District SAS Nagar, Mohali, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from June, 2024, which is about 10 months and the investigation of the case has been completed and charges have been framed by the learned trial Court and the trial has commenced but none of the prosecution witnesses has been examined till date. He further submitted that it is a case where the petitioner is of the age of 50 years and he is the father-in-law of the deceased and as per the allegations contained in the FIR, which was lodged on the basis



of the statement of the brother of the deceased, his sister was married to the son of the petitioner in the year 2021 and the petitioner was demanding an amount of Rs.21 lacs and some gold jewellery as dowry. He further submitted that the aforesaid allegation was pertaining to the demand which was made prior to the marriage but in addition to that, allegation was levelled even after the marriage that the petitioner and his family members were harassing the deceased for dowry. He further submitted that so far as the present petitioner is concerned, he was not even living with his son and was residing separately and he has been falsely implicated in the present case at the instance of the complainant.

3. Learned counsel for the petitioner has specifically submitted that the petitioner is suffering from cardiac ailment for which he has been taking medicines from PGIMER, Chandigarh and other hospitals even prior to the lodging of the present FIR and he has also been subjected to medical intervention. While referring to the medical record which has been attached alongwith the present petition, he submitted that the medical ailment of the petitioner pertains to chest pain, sweating, pedal edema and he was also suffering from other cardiac ailments even at the time of registration of FIR and much prior to that and regarding which even a short affidavit has been filed by the Superintendent, Central Jail, Patiala, wherein it has been stated that the petitioner was got treated for the aforesaid ailment from different hospitals including GMC, Patiala and PGIMER, Chandigarh. He also submitted that the petitioner being an acute patient of cardiac ailment may be considered for the grant of regular bail.

4. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted that the petitioner is in custody for about 10 months and so far as the medical



ailment of the petitioner pertaining to cardiac ailment is concerned, as per the short affidavit filed by the Superintendent, Central Jail, Patiala, he was taken to various hospitals for consultation pertaining to his medical ailment. So far as the role of the petitioner is concerned, he submitted that in the FIR itself, direct allegations have been levelled against the petitioner regarding demand of dowry, which resulted in committing of suicide by his daughter-in-law.

5. Learned counsel for the complainant submitted that the role of the petitioner was clear from the FIR itself and the cause of committing suicide by the deceased was pertaining to demand of dowry. She further submitted that the family members of the petitioner are threatening the complainant as well and regarding the same, a complaint was filed with the police but no action has been taken on the said complaint.

6. At this stage, Mr. P. S. Bhandari, AAG, Punjab submitted on instructions from ASI Chamkaur Singh that on the aforesaid complaint, which was submitted by the complainant to the police, the complainant and his family members were called for further assistance and for providing information regarding the same but they never turned up and rather stated that they will give their statements before the police only after consulting their lawyer and that is the reason as to why the aforesaid complaint filed by the complainant could not be processed further.

7. I have heard the learned counsels for the parties.

8. It is a case where the petitioner is in custody for about 10 months i.e. from June, 2024. The investigation of the case has already been completed and charges have been framed by the learned trial Court. The petitioner is the father-in-law of the deceased. Although direct role has been attributed to the



petitioner in the FIR itself pertaining to demand of dowry but at the same time, the learned counsel for the petitioner has attached various medical documents of the petitioner pertaining to treatment of heart ailment and various medicines pertaining to cardiology not only alongwith the present petition but also by way of miscellaneous applications. It is the case of the learned counsel for the petitioner that the petitioner is suffering from acute heart ailment and also has shortness of breath and palpitations in the jail, regarding which a short affidavit was also filed by the Superintendent, Central Jail, Patiala, wherein it has been stated that the petitioner has a known case of hypertension and dilated cardiomyopathy/DCMP with AF and was also referred to GMC Patiala and is having shortness of breath for the last 1½ years and palpitations for the last 1 year and apart from the above, even hypertension for the last 5 years. It has been further stated in the aforesaid short affidavit that the petitioner was also referred to PGIMER, Chandigarh where he was examined by the Department of Cardiology.

9. So far as the argument raised by the learned counsel for the complainant with regard to the complaint made to the police is concerned, it was the stand taken by the learned State counsel that the complainant and his family members themselves did not cooperate with the police for processing of the complaint and therefore, the aforesaid cannot become a ground for denial of regular bail to the petitioner. Considering the medical record of the petitioner and the submissions made by the learned counsel for the petitioner and also the short affidavit filed by the Superintendent, Central Jail, Patiala pertaining to the medical ailment of the petitioner relating to shortness of breath and palpitations etc., this Court is of the view that purely on the basis of medical reasons the



petitioner deserves of the concession of regular bail. Not only this, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

10. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

03.04.2025
Chetan Thakur

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