



CRM-M-26377-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26377-2024

Date of decision:05.08.2024

Avneet Singh Ghai

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hardeep Singh, Advocate for the petitioner (through V.C.)
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. This is the third petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case bearing FIR No.50 dated 12.08.2022, registered for the offences punishable under Sections 323, 406, 498-A, 506 and 34 of IPC and Section 328 of IPC (added later on) at Police Station Women, District Patiala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“This time a complaint No. 1605/OP dated 03.06.2022 UID No. 2360314 given by Jasleen Kaur daughter of Jasminderpal Singh resident of house No. 146, Bharpur Garden, Patiala is received by post for registration of case, the contents of which are that To, The Senior Superintendent of Police, Patiala Subject Application for directing the SHO Police Station, Civil Lines, Patiala for registration of the FIR against the accused persons namely: (i) Avneet Singh Ghai S/O Sh. Harcharan Singh: (a) Smt. Ajeet Kaur W/O Harcharan Singh; (ii) Maneet Singh Ghai S/O Sh. Harcharan Singh and (iv) Harcharan Singh S/O (Not Known) F/O Avneet Singh Ghai; all residents of House no. 5-A, New Moti Bagh Colony, Patiala regarding demand of dowry, mental and physical harassment, mental and physical torture and attempted to kill me by all the said accused persons and outraging my modesty by said Maneet Singh Ghai particularly. Sir, It is to be submitted that I, Jasleen Kaur, D/O Jasminder Pal



Singh, W/O Avneet Singh Ghei, presently residing at House no. 146, Bharpur Garden, Patiala. I got married to Avneet Singh Ghai S/O Harcharan Singh on 26-04-2021 at Patiala according to Sikh rites following Anad Karaj Ceremony. Before the solemnization of my marriage with Avneet Singh Ghai, was lured, and honey trapped by the said accused persons to fulfill their ill desire and I could not understand their ill motive and I was dragged in their bad intentions. Finding no way, my parents arranged my marriage with the said Avneet Singh Ghai and performed a lavish marriage and spent around Rs 35,00,000/- on my marriage. My parents have fulfilled all the demands of the said accused persons and has given huge dowry articles including jewelry, valuable gifts and other Istridhan with a request to the said accused persons to allow me to use my Istridhan whenever required. As soon as I got married, all the said accused persons started harassing me and slowly made my life a living hell. The said Maneet Singh Ghai (Elder Brother of my Husband) and Ajeet Kaur (My mother-in-law) started interfering in my personal life and both of them created a suffocating environment for me. My husband suddenly became a different person just after one day marriage. He revealed his true colors and started abusing me and harassing me on daily basis and supported the actions of his brother and mother. Before the marriage, I was pursuing 3rd year of BDS from D.A.V College, Yamuna Nagar. Before the marriage, my husband said he would let me complete my study but soon after the marriage, all the said persons in connivance with each other started forcing me to quit my study. My mother-in-law, Ajeet Kaur even hide my books and all other study material and on asking she said, you don't need your books because you belong to kitchen only and cooking doesn't require a degree. Within a week of my marriage, my mother-in-law laid all the house hold chores on me and used to wake up at 6 a.m. every morning and work the entire day like a machine. I used to handle the entire house, cook, clean and take care of all the demands of my in-laws. My mother-in-law even put restrictions on my clothes. Even in scorching heat, my mother-in-law and brother-in-law stopped me from wearing comfortable airy clothes. On the very next day of my wedding, my mother-in law took all the jewelry. other gift items and Istridhan that my parents had gifted me on my wedding and I haven't seen my jewelry and any other stuff till date ever. Since the day of marriage, my mother-in-law and father-in-law started taunting me daily on my parents and started saying that my parents didn't fulfil their demands and did not give them enough dowry and gifts. Slowly the disagreements and fights started increasing between me and my husband and the situation started getting worst day by day. The mental torture became unbearable. My mother-in-law and brother-in-law always said to my husband in front of my father-in-law that they



don't like my face and that I am ugly and they could have gotten much beautiful and pretty girl for my husband and that he made a wrong choice by marrying a dumb girl like me. Soon enough realized that my brother in-law's intentions are not pure towards me. He used to look at me with lustful eyes and used to enter my room without knocking and lie down on my bed. He even used to enter my room even when I would be lying or resting in my bed. He used to touch me inappropriately and my brother-in-law Maneet Singh Ghai even molested me multiple times and held me forcefully. When I told my husband and my mother-in-law regarding these incidents, they simply ignored and pretended as if they were not even listening to me. I was shattered at this disrespectful behavior of my husband and in-laws. My mother-in-law stopped me and my husband from sitting alone in our room and even ordered us to sleep with open door. She specifically said to my husband that the door of our room should never be locked, not even at night. My mother-in-law never let me and my husband go out or spend personal time together. Even till date, me and my husband has never gone out of the house alone. Only after a few months of our marriage, my husband started saying to me that we cannot live together. We won't be happy together and I don't love you anymore whereas we have been together for 2-3 years before marriage as well and I love him dearly. I was in a very miserable state and could not share anything to my parents as well because I wanted to protect my marriage and I wanted to live with my husband. On 04-06-2021 my husband started forcing me to call my father and demanded Rs. 2,00,000/- and when I denied, he, with an intention to kill me, forcefully put phenyl in my mouth and even after that he was shouting at me and even pushed me on the floor and my husband slapped me. After about half an hour, when I started getting unconscious and poison froth started coming out of my mouth. then my husband, instead of taking me to the hospital called my brother-in-law and mother-in-law and they came after approximately another half an hour and after coming, my brother-in-law also slapped me and called my father and my father rushed towards my in-laws house and took me to the hospital. At that time my husband fled from the city for 3 days while I was admitted in the Sharma Multi Speciality hospital, Sahara Chowk, Lower Mall, Patiala for two days. My father paid for my treatment and medicines. Meanwhile, no one from my in-laws came to check on me and neither did they call to ask for my wellbeing. After two days, my parents took me to their house and I decided not to take any legal action because I was still in love with my husband and wanted my marriage to work and live happily. After endless calls to my husband, and when my health recovered, my husband came to my parents' house and took me back-to his house without even talking to my parents. He did not even enter my house and just picked me up



from the gate. This time when went back, the entire family got sure that I could do anything and forgive anyone just to be with my husband so this time they put an even bigger demand in front of me. The entire family started demanding a house from my father. Every single day my mother-in-law and brother-in-law used to force me to demand a house in a posh area from my father. My mother-in-law even threw my plate while I was eating food and said "Je tere father sanu ghar nahi le ke de sakde ta roti vi nahi milegi tenu is ghar to". Since the day of my marriage till date, my parents have been continuously fulfilling the unjust and greedy demands of my in-laws. Several demands but they never got satisfied and eventually made my life a living hell. The demands were increasing day by day. Along with that, the inappropriate gestures like touching and uncomfortable looks and winking from my brother in-law were also increasing. My mother-in-law and father-in-law never allowed me to visit any of my relatives. After marriage, never met any of my family and they did not let me attend any of my family events. Even on my birthday, that was 14th September, 2021, my mother in-law fought with me and tortured me. I spent every single day in that house crying and weeping. Their greed kept on increasing and they refused to spend even a single penny on me. Even my mobile recharges were done by my father and all my smallest necessities were provided by my parents to me. From the day of my marriage, till date, my in-laws have not provided me even the basic amenities of life to me. In October 2021, when me and my husband went to Darjeeling for 5-6 days, my husband tortured me even there as well and did not speak at all and abandoned me in a strange place alone. I did not have even a single penny in my hand at that moment. When we returned, my mother-in-law locked our room and hide the keys of the room. When I asked my husband regarding the keys of the room, he said that you don't have to ask for the keys, and my mother-in-law said that I have locked your room and you won't be allowed to enter your room until your father fulfills our demand and give us a house. My bua ji's (Paternal Aunt) son's wedding was on 18.10.2021. My bua ji invited my in-laws properly and my parents also insisted my mother-in-law and father-in-law to come to the wedding. My mother-in-law told my mom to take me along with them but they refused to come. My husband also refused to attend the wedding. At that time, they were very disrespectful and rude to my parents. I requested my mother-in-law that I want to wear the jewelry that my parents had gifted me on my wedding on my cousin's wedding function but she straight away refused to give me any jewelry. She rudely said that if you want, wear artificial jewelry but you won't get any gold jewelry. Even my mother requested my mother-in-law that let me wear some jewelry on the wedding but my mother-in-law in return disrespected my mother and denied. Then on my request of my



father, my mother-in-law gave me one necklace and one ring to wear on the function and as soon the function got over, my mother-in-law took the necklace and ring back from me. Since then, till date, I have no idea regarding my jewelry or any other gift that my parents gave on my wedding. They have misappropriated my jewelry and other Istridhan. On my cousin's wedding, kept on calling my husband and my mother-in-law in a hope that they would come to the wedding but no one even picked up my call. Then my exams approached and my father sent me to my hostel to give exams but during that entire period, no one from my in-laws called me or enquired about me instead I used to call them but no one ever picked up my call. After exams I directly went to my in-laws house, In order to give my marriage another chance but this time, all the members of my in-laws family made my life even more miserable. They used to torture me every single day. Maneet Singh Ghai, the elder brother or my husband has dominance over the entire operations of the house and everyone works according to him. His decision is considered as the final decision in that house and he never wanted my marriage to work. On Diwali of 2021, my father got ill and could not come to give Diwali gifts and my mother-in-law created a fuss over it. She said "tere maa peo nu sharam nahi hai, vyah to baad pehli Diwali te kuch nahi de ke gaye. Asi samaj vich ki bolange ke sadi daughter-in-law de parents gareeb ne". Every single day for about a month she tortured me on the same topic and demanded Diwali gifts from my parents. Then on Lohri of 2022 my parents came and brought hefty gifts for my in-laws. In the same month, i.e., January 2022, my father paid my college and hostel fees worth Rs. 2,24,645/- as and thereafter my father has paid about Rs. 2,25,000/- another fees and has spent about Rs. 1,00,000/- on books and my parents said to my mother-in-law that the fees is also a gift from us to you to which my mother-in-law created a fuss and said that the fees is of no use to them, and they are not going to benefit from my college fees. She said to my mother that you didn't give the said amount to us so it is not a gift to us rather she said "teri fees te kitaban nal sanu ki fayda, eh ta tere peo da farz hai, asi ta tenu padhana v ni chahunde." While fighting with me on daily basis, my in-laws not only used to harass and abuse me but also my parents. My mother-in-law used to use very bad words for my parents. My husband even said to me that my mother-in-law can kick me out of the house anytime she wants and he will take his mother's stand. My mother-in-law often said to me that "asi nooha nu jootiyan di tarah badal donde han'. On May 18, 2022, the entire family of my in-laws conspired against me to kick me out of the house. They didn't let me eat anything the entire day and fought with me the entire day. At night, my brother-in-law crossed all his limits and slapped me and I fell down. Instead of picking me up, my husband also started



beating me. He kicked me twice and my mother-in-law pulled me from my hair. My brother-in-law strangled me with his hands and I couldn't breathe at that point. I suffered severe injuries on various parts of my body during the entire episode. My husband, mother-in-law, brother-in-law and father-in-law forcefully put me in their car and threw me outside my parents' house at 00:15 a.m. at night on 19.05.2022 along with just a couple of my clothes only which was already packed by my mother-in-law and rang the bell of my house and when my father came out, my brother in-law said now handle your daughter, and she should not come back this time. When my father tried to ask about what has happened, my brother-in-law even pushed my father as well. That day became a nightmare to me. I will never forget that day. My parents got scared after looking at my condition and took me to the Civil Lines Police Station, Patiala and the Police asked us to go to the hospital first so my father took me to Rajindra Hospital where I was admitted and doctors called the police. My torture did not end there. The SI Sukhchain Singh didn't write my proper statement and he wrote the wrong statement. I asked him to write whatever was saying but he did not write it. When my father asked him to cooperate, he said to my father "tuc apni kudi da ghar vasana hai ya apne kol hi rakhni hai hamesha". Si Sukhchain called us down stairs from the ward to write my statement whereas the doctor said that the SI had to come to the ward to record my statement. When the said SI Sukhchain Singh recorded my statement, I was in shock and in depression and I could not understand whatever he was asking and my father was also under stress and SI Sukhchain obtained my signatures as well as my father's signatures forcibly. After this incident, even the doctors referred me to the psychiatrist. I remained admitted in the Rajindra Hospital, Patiala for 4 days i.e., 19-05-2022 to 22-05-2022. Whatever statement has been recorded by SI Sukhchain Singh is not my real statement. I humbly request you to take appropriate action against all the accused persons and direct the SI to take appropriate actions. This application is my final statement and no other statement may be assumed to be my statement. Submitted by Sd- Jasleen Kaur, D/o Jasminder Pal Singh."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.05.2023. Learned counsel has further submitted that the first bail application preferred by the petitioner before this Court was dismissed on 31.08.2023 whereinafter the petitioner has preferred another bail application but the same was dismissed as withdrawn on 20.02.2024



“Status report by way of affidavit of Sh. Sarabjit Kaur, PPS, Deputy Superintendent of Police, dated 20.02.2024 has been filed in Court today. The same is taken on record.

Faced with the situation that the victim is yet to be examined as a prosecution witness, learned counsel for the petitioner seeks permission to withdraw the present petition at this stage.

Dismissed as withdrawn at this stage.”

Learned counsel has further argued that the offence under Section 328 of IPC is not made out against the petitioner in the factual matrix of the given case as also there is no medical evidence put forward by the prosecution to support such charge. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel 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 the regular bail. Learned State counsel seeks to place on record custody certificate dated 02.08.2024 in Court, which is taken on record.

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

6. The petitioner was arrested on 26.05.2023 whereinafter investigation was carried out and challan stands presented on 01.07.2023. Total 18 prosecution witnesses have been cited in the trial. Charges were framed on 17.11.2023 and only 01 witness has been examined till date. Keeping in view the large number of witnesses cited and the pace of the trial (which factum is decipherable from orders dated 14.03.2024, 27.03.2024, 23.04.2024 and 30.04.2024) so the culmination of the trial is nowhere in close foresight.



It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

Therefore, though the instant petition preferred by the petitioner is third petition for regular bail, this Court is inclined to consider the same.

At this stage, there is no material to indicate that non-culmination of the trial is on account of any folly on part of the petitioner. The rival contention of learned counsel for the parties; as to whether the offence under Section 328 of IPC is made out against the petitioner as also whether there is any medical evidence put forward by the prosecution in support of such charge; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions,

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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 02.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 01 year and 02 months & is not shown to be involved in any FIR case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

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.
- (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/Illaqa 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

August 05, 2024
Ajay

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