

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

Crl. Misc. No.M-27830 of 2016

Date of decision : 09.11.2016

Sukhrajpreet Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S. Pheruman, Advocate
for the petitioner.

Mr. V.P.S. Sidhu, Asst. A.G. Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)
CRM-34394-2016

For the reasons set out in the application, same is allowed as prayed for and accompanying documents (Annexure P-3 to P-8) are allowed to be taken on record.

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The petitioner is seeking regular bail in FIR No.2 dated 10.01.2016, registered under Sections 306, 511 IPC and Section 3/4 of the Protection of Domestic Violence Act (Section 304-B IPC added later on), Police Station Ghuman, District Batala.

The State counsel had been asked to produce the entire copy of the challan. Same has not been made available. They have, however, produced copy of the statement recorded under Section 164 Cr.P.C. and of the treatment taken in K.D. Hospital.

In an unfortunate incident Satinder Kaur died at her parent's house on the night of 09/10.01.2016. She was married to the petitioner on 06.12.2015. The couple along with another couple went for their honeymoon and returned on 07.01.2016. Satinder Kaur went to her parent's house and after few hours she consumed poison. She was taken to the hospital by her family firstly to Guru Nanak Hospital and then to K.D. Hospital. She died at about 3:30 A.M. on 10.01.2016.

On the last hearing the counsel for the petitioner had stated that they had not been given the copy of the statement made under Section 164 Cr.P.C. The State counsel had been asked to give the complete copy of the challan which has not been made available even today.

Counsel for the petitioner submits that they have placed on record photographs which would show both the couples were on their vacation and they seemly look happy and everything was well and on return, the husband chanced to see the mobile phone of his wife and on the wife's Facebook page he noted a photograph which was pointed to the wife. The counsel further states that they have placed on record the Whatsapp messages Annexure P-4 & the girl did not want to go to her parent's house but her parents were insisting and they took her away. The counsel refers to Annexure P-5 and states that the admission in the hospital was at 5:00 PM

with the history of celphos poisoning and Annexure P-6 would show that her blood pressure was un-recordable at 8:30 PM and the statement has been recorded by the police after 12:00 AM (midnight) and the girl could not have made any statement.

The State counsel was asked to give the time when the girl had been declared fit by the doctor. The State counsel says that no time is noted beneath that statement. The police zimni is also silent.

The FIR had been registered on the basis of the statement said to have been given by the girl. The version given there is different to the one purportedly given by Satinder Kaur under Section 164 Cr.P.C. Satinder Kaur had stated that “the husband did not want to stay with her and she had asked him to come and take her but her husband had said that she should not keep any hope and she had consumed celphos”.

The records of K.D. Hospital show that the time of admission in that hospital at 7:30 PM. She condition of the patient was noted as critical. There was no blood pressure or pulse. Even at 1:00 AM there is a note that the blood pressure was not recordable. The death is stated to have taken place after 3:00 AM. The prosecution will have to prove that the deceased could make a statement.

The petitioner is in custody since January, 2016. The investigation is over. The trial will take long time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate

with the condition that the petitioner would not contact the victim or tamper with the evidence.

09.11.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No