

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-12832 of 2017

Date of Decision: 25.4.2017

Gurpal Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. D.S.Malwai, Advocate
for the petitioner**

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 116 dated 17.9.2016 under Sections 364-A, 328, 302 read with Section 34 of the Indian Penal Code (in short "IPC") (offence under Sections 376, 306 IPC added later by deleting the earlier offences) registered at Police Station, City Sunam, District Sangrur.

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent-State.

Counsel for the petitioner would submit that initially FIR No. 000 dated 16.9.2016 under Sections 363, 328 IPC was registered at the behest of father of the deceased in Police Station, Sector-31, Chandigarh. Later, after death of Ramanpreet Kaur, the instant FIR under Sections 364-A, 328, 302 read with Section 34 IPC was registered on 17.9.2016 on the statement of Iqbal Singh, brother of Ramanpreet Kaur. Still later, Iqbal Singh made a supplementary statement on the basis of alleged information

given to him by one Manjinder Kaur on the basis whereof the petitioner is sought to be indicted for committing offence punishable under Sections 376 and 306 IPC. It is further argued that even as per the allegations brought forth by Iqbal Singh in his supplementary statement, the deceased after attaining the age of majority developed physical relations with the petitioner with an understanding that they would perform marriage. The deceased had not left behind any suicide note nor there is evidence that she committed suicide. On the contrary, father of the deceased and her brother came out with a version that one male and a female person administered something poisonous to the deceased, constituting offence under Section 328 IPC. The last submission made by counsel is that the petitioner has already been remanded to the judicial custody, therefore, no longer required for the purpose of investigation but he is ready to face proceedings, in accordance with law.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail with the submission that offence under Sections 376, 306 IPC is serious in nature and the petitioner may misuse the concession of bail.

I have heard counsel for the parties and perused the records.

Be that as it may, it is conceded position of the case that three different versions have been brought forth before the police by family of the deceased on the basis whereof two FIR were registered, one at the behest of father of the deceased and the other on the statement of brother of the deceased. It has not been made clear if Manjinder Kaur has got recorded any statement with regard to physical relations of the deceased with the accused. On completion of investigation, challan has been presented in the

Court and conclusion of trial is likely to take its own time. There is no allegation against the petitioner that he is likely to flee from the process of justice in case enlarged on bail.

Without meaning to express any opinion on merits of the controversy, bail to the petitioner subject to satisfaction of the trial court.

However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of accordingly.

(Rekha Mittal)
Judge

25.4.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No