

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

CRM-M-43065-2017

Date of decision:-24.9.2018

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vikas Bali, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Mr.Anil Kumar Spehia, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Gurwinder Singh – an accused in FIR No.21 dated 8.3.2017, under Sections 304-B, 34, 120-B, 201 IPC, registered at Police Station Lohian, District Jalandhar Rural.

Briefly stated, the facts of the case, as per the prosecution story, are that FIR No.21 dated 8.3.2017 for the offences under Sections 304-B, 34, 120-B, 201 IPC was registered with Police Station Lohian, District Jalandhar Rural on the basis of statement of complainant Joginder Singh son of Tara Singh, resident of Dadupur, Police Station Kotwali,

Kapurthala aged about 58 years, in which he stated that his daughter Sandeep Kaur was married with Gurwinder Singh (present petitioner) son of Harbhajan Singh, resident of Gidarpindi on 26.3.2016; after about six months of the marriage, Gurwinder Singh – husband, Harbhajan Singh – father-in-law, Parkash Kaur – mother-in-law, Satnam Singh – dewar (younger brother of husband) started harassing and maltreating Sandeep Kaur in connection with demand of dowry; that Sandeep Kaur had given birth of a male child on 12.1.2017 but maltreatment of Sandeep Kaur at the hands of her husband and in-laws continued, ultimately Sandeep Kaur died in the matrimonial home. The complainant stated that he was of the firm belief that Sandeep Kaur had been murdered by her husband and his family members by giving her some poisonous substance and action be taken against them.

After registration of the FIR, the matter was investigated. Accused was arrested in this case on 16.3.2017. The challan in the case has since been prepared and filed in the Court and charge has been framed. The petitioner/accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Jalandhar vide order dated 17.8.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has argued that the petitioner had taken his wife Sandeep Kaur to the hospital and informed her family also, therefore, his such conduct goes to show that he had not done anything wrong and furthermore, his co-accused have been granted bail, therefore, his release on bail be also ordered.

Whereas, this request is being opposed by learned State counsel as well as counsel for the complainant contending Sandeep Kaur had died within one year of the marriage; that the petitioner is the main accused being husband of the deceased; in the trial out of 27 PWs, 7 have been examined and the trial is likely to be concluded in near future and further if the bail is granted to the petitioner, there are chances of his absconding and trying to tamper with the prosecution evidence, therefore, the petition be dismissed.

After hearing the rival contentions of learned counsel for the parties, I find that the allegations against the petitioner are indeed very grave and serious. The complainant has stated in his statement to the police, which formed basis for registration of the FIR, that soon after the marriage, Sandeep Kaur was harassed and maltreated by her husband Gurwinder Singh and his family members in connection with demand of dowry and they would beat her up also. The death has taken place in the matrimonial home. It is for the petitioner to explain as to under what circumstances, the deceased his wife Sandeep Kaur died an unnatural death since he is supposed to have special means of knowledge in that regard. Simply because he had taken her to hospital after she had consumed poison or poison was administered to her and had informed her

family members does not dilute his guilt. The case of the petitioner is certainly not at par with the other co-accused, who had been granted bail. The trial against the petitioner is going on which is likely to be concluded in near future. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merits in the petition, the same stands dismissed.

24.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No