

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48321 of 2017(O&M)

Date of Decision: 15.1.2018

Atma Singh and another

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Amaninder Singh Sekhon, Advocate for the petitioners.

Ms.Seema Mand, DAG Punjab.

Mr.K.S.Sidhu, Advocate for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.103 dated 29.9.2017 under Sections 306, 341, 323 IPC registered at Police Station Gidderbaha, District Sri Muktsar Sahib.

It is submitted that petitioner No.1 is the brother-in-law (Jeth) of the deceased and petitioner No.2 is the sister-in-law (Nanad) of the deceased. It is argued that no offence punishable under Section 306 IPC is made out against the petitioners. It was infact a dispute regarding property.

The deceased was aggrieved by the action of her father-in-law in not transferring the share of her husband in joint property. The incident in question took place on 13.9.2017. The deceased was admitted in hospital by her husband and her mother. Statement of the victim (deceased) was recorded on 13.9.2017 itself at Civil Hospital, Gidderbaha Annexure P-3. It is stated by the victim that her father in law was not transferring the share of land falling to her husband but was helping his other sons i.e. the present petitioner and one Gursahib Singh. It is stated that they were given land in excess of their share. Physical abuse is attributed to the father-in-law Baldev Singh (in custody). It is further stated by the victim that petitioner No.1 resides in Rajasthan but he usually stays at Gidderbaha. Petitioner No.1 along with the accused, without any reason, used to harass and maltreat her as well as her husband due to which she remained under mental tension and depression. On 13.9.2017 the victim got affected by vertigo so she started scolding her father-in-law Baldev Singh. It is further stated that being fed up due to daily harassment, she consumed insecticide to finish her life.

The victim was taken to Civil Hospital Gidderbaha on 13.09.2017 and on 14.9.2017, she was shifted to Adesh Hospital Bathinda. Against the advice of doctor, she was shifted to Sukhmani Hospital, Goniana Mandi on 26.9.2017 and on 28.9.2017, she unfortunately passed away. FIR in question was lodged on 29.9.2017 on the statement of Ajaib Singh, father of the deceased. It is submitted that allegations against the present petitioners in the FIR are totally unsubstantiated and not made out in any manner. Dispute regarding the property is mentioned even in the FIR.

In respect of petitioner No.2 it is stated that she was married almost 13 years prior to the marriage of the deceased and is living separately at village Ramgarh Chugan, District Sri Muktsar Sahib. No allegations were raised against her by the victim (deceased) in her statement dated 13.09.2017. Petitioner No.1, it is submitted more often than not used to stay at Rajasthan as he was carrying out agriculture at Rajasthan also. Moreover, petitioner No.1 is living separately and is having separate mess from the deceased and her husband even at Gidderbana. It is debatable whether the offence punishable under Section 306 IPC is made out against the petitioners, who are not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that specific allegations have been levelled by the complainant on the basis of which FIR was registered on 29.9.2017. However, the statement of the deceased recorded on 13.9.2017 (Annexure P-3) is not denied. It is verified that from 13.9.2017 till 29.9.2017, no complaint was received in this respect. Learned counsel for the State, on instructions from ASI Kishore Chand, affirms and verifies that the final report under Section 173 Cr.P.C. has been presented against the co-accused Baldev Singh and Veerpal Kaur, who are in custody. The petitioners who are not reported to be involved in any other criminal case, are verified to have joined investigation.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 16.12.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 15, 2018.
Meenu

(LISA GILL)
JUDGE

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