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**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-5798-2019 (O&M)
Date of Decision:-5.4.2019

Surinder Kaur ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-6469-2019 (O&M)

Manpreet Kaur ... Petitioner

Versus

State of Punjab ... Respondent

(III) CRM-M-13851-2019 (O&M)

Gaurav Pal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Arora, Advocate for the petitioners.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Mr. Vijay Rana, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of the above mentioned three petitions,
two of which have been filed on behalf of Manpreet Kaur and Surinder Kaur

seeking grant of anticipatory bail and another filed on behalf of Gaurav Pal Singh seeking grant of regular bail in a case registered against them vide FIR No.193 dated 5.11.2018 at Police Station Division No.2, Jalandhar, under Section 306, 34.

The FIR was registered at the instance of Kirandeep Kaur, wherein it has been alleged that her brother Gurnam Singh (deceased) was married to Manpreet Kaur on 5.3.2014 and a male child was born out of the wedlock. It has been alleged that right from the very beginning Manpreet Kaur used to quarrel with her husband Gurnam Singh(deceased) on one pretext or the other and that even other members of her family i.e. Manpreet's brother namely Gaurav Pal Singh, her father Krishan Singh and her mother Surinder Kaur used to quarrel and harass Gurnam Singh, due to which he started living in Gurdwara Santgarh Sahib, Jalandhar alongwith his wife Manpreet Kaur. However, the accused kept on harassing him even in the Gurdwara. It is alleged that on 29.3.2017 Gurnam Singh went to the house of complainant's sister Rajwinder Kaur and while crying stated that the accused are pressurizing him to sell his share of land in the village and to give them money and stated that he was scared of going back as the accused could even eliminate him for the sake of money. However, Makhan Singh, husband of the complainant's sister and her nephew Manpreet Singh reasoned out with Gurnam Singh and sent him back. It is alleged that on 29.03.2017 husband of complainant's sister Rajwinder Kaur went to the house of Gurnam Singh and met his wife Manpreet Kaur and assured that as and when the land is divided, they would be given their due share. It is further alleged that on 30.03.2017 a telephonic call was received from

complainant's uncle (Chacha) informing that Gurnam Singh is unwell and has been taken to Civil Hospital, Jalandhar. When the complainant's sister Rajwinder Kaur and her husband reached the hospital, then Gurnam Singh informed them that the accused had administered poison to him by mixing the same in his food.

It is further the case of the prosecution that on account of the said poisoning Gurnam Singh died on 31.3.2017.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that the complainant has tried to implicate the wife of the deceased and other members of her family in order to grab the share of Gurnam Singh, out of jointly held property. The learned counsel has further submitted that in any case, the deceased was residing separately from Surinder Kaur i.e. his mother-in-law and from Gaurav Pal Singh, his brother-in-law and since admittedly he was staying in a Gurdwara since shortly after his marriage, the allegations levelled by the complainant do not appeal to reason. It has further been submitted that in any case, since FIR in question had been lodged after more than 1½ years of occurrence, the same shows that it has been lodged after deliberations and consultations. It has further been submitted that the matter in fact had been enquired into by the police and no evidence of any abetment of suicide was found and no action was taken thereupon and it was subsequently when the complainant moved High Court, the police hurriedly filed an FIR without probing the matter completely.

Opposing the petition, the learned State counsel has submitted that complicity of the petitioner is evident from the fact that deceased was

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forced to stay in the Gurdwara which would clearly show that the deceased was being harassed to an extent that he had to leave his parental home. Learned State counsel has informed that in the present case investigation is complete and challan has already been filed.

Having regard to the facts and circumstances of the case and while also bearing in mind the fact that two of the petitioners namely, Manpreet Kaur and Surinder kaur are ladies and also that challan has already been presented, in my opinion, it is not a case for warranting custodial interrogation of Manpreet Kaur and Surinder Kaur. The petitioner Gaurav Pal Singh in any case is in custody. As such, without commenting anything on merits of the case, the petitions are accepted. The interim directions issued vide order dated 7.02.2019 passed in CRM-M-5798-2019 and vide order dated 12.2.2019 passed in CRM-M-6469-2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr. P. C.

The petition filed on behalf of petitioner Gaurav Pal Singh is also accepted and he is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.4.2019

rakesh

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No