

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33452 of 2018 (O&M)

Date of Decision: 14.05.2019

Ranjit Singh & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. A.S. Manaise, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. B.S. Baath, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

CRM-28597-2018:

The application is allowed, as prayed for. Documents
Annexures P-4 and P-5 are taken on record.

Criminal Misc. No.M-33452 of 2018

Prayer in the present petition filed under Section 438 of the
Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the
petitioners in case FIR No.107 dated 19.05.2018 under Sections 304-B, 34
IPC registered at Police Station Civil Lines Batala, Police District Batala,
District Gurdaspur.

Petitioners are father-in-law and mother-in-law of deceased Simarjit Kaur, who was married with the son of the petitioners namely Gurpreet Singh on 07.07.2017 and died on 19.05.2018.

Counsel for the petitioners has argued that the petitioners who are in-laws of the deceased are residing separately with the family of their elder son Pradeep Singh, as Pradeep Singh is in Indian Army. The petitioners have been falsely implicated in the case. They were not present at the scene of occurrence at the time when the deceased had died after consuming poison. Learned counsel for the petitioner has referred to the affidavits of Balwinder Singh - the landlord, Baldev Singh - the neighbour and Sucha Singh - the Municipal Councillor, in support of his contention that the petitioners were living in a separate rented accommodation where Simarjit Kaur was not residing.

Learned counsel for the complainant has argued that the deceased has died in less than two years of her marriage and thus, provisions of Section 304-B IPC are clearly attracted in the case, as she was being harassed on account of demand of dowry. The Aadhar cards and voter cards, in the name of the petitioners at this address, does reflect that the deceased was staying with the petitioners.

Learned State counsel, on instructions from ASI Palwinder Singh, submits that pursuant to order dated 21.08.2018, the petitioners have joined investigation and their custodial interrogation is no more required.

I have heard learned counsel for the parties.

Balwinder Singh, the landlord of the house where the petitioners are residing on rent, has sworn an affidavit to the effect that the

petitioners Ranjit Singh and Sawinder Kaur are residing in a two rooms rented accommodation owned by him since 01.10.2017. Similarly, Baldev Singh has also deposed in his affidavit that the petitioners are residing in a rented accommodation of Balwinder Singh along with Harpreet Kaur, the wife of their elder son Pardeep Singh, who is in Indian Army along with their grand children since 01.10.2017. Though these documents are required to be considered during trial, but at the same time, these documents cannot be ignored outrightly at this stage, while considering anticipatory bail.

Considering the fact that the petitioners have joined investigation and their custodial interrogation is no more required, the present petition is allowed and the interim order dated 21.08.2018 is made absolute.

However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

May 14, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No