

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-18363 of 2019 (O&M)

Date of decision : October 17, 2019

Sarabjit Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. LS Sidhu, Advocate, for the petitioner

Mr. Pawan Sharda, Sr. DAG, Punjab for the respondent/
State

Fateh Deep Singh, J. (Oral)

Petitioner husband Sarabjit Singh has come about seeking regular bail under Section 439 Cr.P.C. in case bearing FIR No. 102 dated 31.8.2018 under Sections 306/201 IPC, Police Station Amloh, District Fatehgarh Sahib, got registered on the statement of Malook Singh father of deceased Gurjit Kaur wife of the petitioner.

Admittedly in the light of the arguments of the two sides, marriage of Gurjit Kaur deceased and her younger sister, both daughters of the complainant, were solemnized with two real brothers namely petitioner Sarabjit Singh and Ranjit Singh respectively. The younger daughter was bestowed with twins, a boy and a girl whereas elder daughter deceased Gurjit Kaur remained barren. The allegations are that the accused husband and his parents and family often used to ill-treat her and asked Gurjit Kaur to mutate the land of the complainant who did not have any other child except these two children in the name of the brothers and as a consequence of which a Panchayati settlement was arrived at about one and a half years prior to the registration of the present case. It is alleged that out of this physical and mental cruelty heaped upon the deceased by the accused, she was forced to commit suicide by setting herself on fire.

Mr. LS Sidhu, learned counsel for the petitioner inter-alia contends that there is no specific allegations with particulars levelled against the husband and it is belatedly and after thought allegations have come up which do not fall within the ambit of Section 306 IPC submitting that the co-accused brother of the petitioner namely Ranjit Singh has been allowed relief vide orders dated 18.3.2019.

Mr. Pawan Sharda, Sr. DAG, Punjab on behalf of the prosecution has sought to oppose the grant of bail on the grounds that since it is a heinous offence grant of bail to the petitioner would not be conducive to a fair trial and that being the husband and principal accused is not entitled to any relief.

Appreciating the submissions, the petitioner is behind the bars since 1.9.2018 for almost more than one year and one month. The prima facie allegations lead to a debatable issue over the applicability of offence under Section 306 IPC when admittedly the occurrence took place eight years after the marriage and which is about three years prior to marriage of the younger daughter of the complainant to the brother of the petitioner is itself reflective that the conduct of the petitioner's family did not smack of any ill-will or demand. The investigations and trial are not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail, besides the fact that in view of principle of parity, the petitioner too is entitled to the relief of bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Fatehgarh Sahib.

The present petition stands disposed off accordingly.

The observations made herein above shall have no

bearing on the merits of the case as these are purely for the disposal of the present bail application.

October 17, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No