

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

CRM-M-23479-2019 (O&M)

Date of Decision:- 8.11.2019

Jagtar Singh @ Taar Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Lakshaya, Advocate for
Mr. J.P.S. Brar, Advocate for the petitioners.

Ms. Rashmi Attri, AAG, Punjab

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

GURVINDER SINGH GILL, J.

1. The petitioners have approached this Court seeking grant of anticipatory bail in a case registered against them vide FIR No.51 dated 24.3.2017 under Sections 304-B/498A/506/511/34 IPC at Police Station Raman, District Bathinda.
2. The FIR was lodged at the instance of Tikka Singh, wherein it has been alleged that his sister Simranjeet Kaur was married to Karamdeep Singh @ Buta Singh and although he had spent an amount of ₹ 25 lacs on marriage but her daughter's in-laws were not happy and shortly after marriage, her husband Buta Singh, sister-in-law Kirandeep Kaur and her parents-in-law started harassing her in order of press upon their demands for more dowry.

It is alleged that Karamdeep Singh @ Butta Singh was confined in Central Jail as he had committed a murder. It is alleged that on 23.3.2017 at about 8 p.m. he had spoken to his sister who informed her that her sister-in-law and mother-in-law have threatened her to leave the matrimonial home and to go to her parental house failing which she would be eliminated. The complainant assured his sister that he would come to her matrimonial home in the morning to get her back. However, at about 11 p.m. the complainant received a call from a neighbour of her sister's in-laws, who informed that complainant's sister Simranjeet Kaur had caught fire. The complainant immediately rushed to Civil Hospital, Bathinda at about 1 a.m. from where he came to know that his sister had been shifted to some private hospital. It is alleged that complainant's sister was admitted in Cosmo Hospital and was struggling with life.

3. It is further the case of prosecution that Simranjeet Kaur could not survive and succumbed to her burn injuries.
4. The learned counsel for the petitioners has submitted that the matter was investigated by the police and upon conclusion of investigation, the petitioners were found to be innocent while challan was presented against husband of the deceased i.e. against Karamdeep Singh @ Buta Singh. The learned counsel has submitted that it is on the basis of false allegations and a false statement made by the complainant during the proceedings of trial that the petitioners had been summoned with the aid of Section 319 Cr.P.C. It has been submitted that since challan already stands presented and the petitioners have already appeared before the trial Court pursuant to interim

directions issued by this Court, no useful purpose would be served by sending the petitioners behind bar at this stage.

5. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that the petitioners are specifically named in the FIR and their role in harassing the deceased is all the more evident, given the fact that the husband of the deceased had been behind bars since about 3 months prior to death of Simranjeet Kaur and it is with the petitioners that the deceased had been residing.
6. The learned counsel for the complainant has vehemently argued that the role of the investigating agency is rather dubious inasmuch as they have apparently made an all out effort to shield the petitioners by keeping them in column no. 2 and by filing challan only against the husband of the deceased who was in fact in custody since about 3 months at the time of death of the complainant's sister. During the course of arguments, it was informed by learned State counsel that the role of the petitioners as well as of Karamdeep Singh @ Buta Singh, husband of the deceased, is evident from the fact that the deceased had gone to her husband in jail on the day of occurrence itself and it was shortly thereafter that she committed suicide.
7. I have considered rival submissions addressed before this Court.
8. At this stage, this Court would rather refrain from making any comment on the investigating agency which for reasons best known had chosen to keep the petitioners in column no.2 despite the fact that they were living together with the deceased and would have been in a position to harass her, as is being alleged by the complainant. However, the fact remains that the petitioners have been summoned with the aid of Section 319 Cr.P.C. which

would essentially mean that they are not to be associated with any kind of investigation and are not required to be interrogated in custody. In these circumstances, their detention at this stage is not warranted.

9. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.7.2019 are hereby made absolute subject to the condition that the petitioners shall appear regularly before the Trial Court and shall abide by the conditions as may be imposed by the Trial Court.

8.11.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No