

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

CRM-M-30193-2019 (O&M)
Date of Decision:- 24.7.2019

Surinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Chamkaur Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.224, dated 29.09.2018, under Sections 302, 364,148,149,120-B and 201 IPC registered at Police Station City Kotwali, Faridkot, District Faridkot.
2. The FIR was lodged at the instance of Gurmeet Kaur wife of Balvir Singh. It may here be mentioned at the very outset that in the present case, the complainant as well as co-accused Gurmeet Kaur share the same name and their husbands' name is also the same, apart from a

minor difference in the spelling. As such, they are referred to as complainant -Gurmeet Kaur and accused-Gurmeet Kaur.

3. Complainant-Gurmeet Kaur in the FIR alleged that her husband Balvir Singh had been residing since last 17-18 years with a lady named Amarjit Kaur of village Rai, who had kept complainant's husband illegally confined and had sold his 5 acres of land and also ancestral house for an amount of ₹ 10 lacs and had usurped the said amount. It is alleged that on 02.04.2013 complainant's husband Balvir Singh informed the complainant telephonically that Amarjit Kaur, accused Gurmeet Kaur and her husband Balvir Singh (accused) along with his cousin Bantu, accused Gurmeet Kaur's driver and some other unidentified persons were beating him and requested her to save him as, otherwise he would be killed. It is alleged that on 02.04.2013 the complainant went to the Police Station Khamano and moved an application in this regard, but no action had been taken thereupon.
4. It is further alleged that on 21.12.2013, at about 01.30 a.m. (night), the complainant received a telephone call that her husband Balvir Singh has been got admitted in the hospital and when they enquired about the reason, the police informed that complainant's husband Balvir Singh made statement in the presence of Doctor that Amarjit Kaur and accused-Gurmeet Kaur were sisters and their sons along with driver and some unidentified persons had thrown him away after administering poison to him forcibly. However, when the complainant reached hospital, her husband had expired.

5. Learned counsel for the petitioner has submitted that there is a gross delay of 4 years and 9 months in lodging the FIR and that in fact a concocted version has been put forth in the FIR, inasmuch as initially the son of the deceased himself i.e. Tarsem Singh had informed the police by lodging DDR (Anneuxre P-3) that his father Balvir Singh, due to mental illness, had consumed some poisonous substance and that his father's statement of forcible administration of poison had been incorrectly recorded by the doctor. The learned counsel for the petitioner has submitted that a false FIR was registered on account of complainant's grudge as her husband was residing with another lady instead of residing with the complainant.
6. Opposing the petition, the learned State counsel has submitted that in the present case since the petitioner has specifically been named in the FIR and the allegations of death by poisoning stand substantiated from the report of Chemical Examiner, as per which organophosphorus was found, no case for grant of bail is made out. It has however been informed that only 5 PWs have been examined out of cited 20 PWs and that the petitioner is behind bars for the last more than 8 months.
7. I have considered rival contentions addressed before this Court. The delay of almost 4 years and 9 months in lodging FIR is a huge delay which the prosecution would be required to explain. Further the fact that initially one DDR was lodged by the son of the deceased wherein he has stated that the deceased had himself consumed poison would also tend to create a dent in the case of prosecution. The trial in its

normal course is likely to take some time for its conclusion as only five witnesses have been examined out of 20 PWs. In these circumstances, further detention of the petitioner who is behind bars since last 8 months would not serve any useful purpose. In view of the aforesaid discussion the petition is hereby accepted and petitioner Surinder Singh 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.

8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

July 24, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No