

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-37343 of 2019 (O&M)
Date of decision : December 11, 2019

Kamalpreet Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Suvir Sidhu, Advocate and
Ms. Supriya Arora, Advocate, for the petitioner

Ms. Trishanjali Sharma, AAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

Petitioner Kamalpreet Singh has invoked the jurisdiction of this Court under Section 438 Cr.P.C. for anticipatory bail in case FIR No. 109 dated 23.12.2011, under Sections 201,306,120-B, 176 IPC, Police Station Garhi, District Jind.

The case has a intricably woven story. As is there before this Court, petitioner Kamalpreet Singh and Amrit Kaur deceased are stated to have entered into a wedlock on their own. A

Criminal Writ Petition No. 2838 of 2011 by Balwinder Kaur mother of present petitioner was filed in this Court and the Investigating Officer was summoned for 22.12.2011. On request for adjournment, the matter was thereafter listed for 23.12.2011. In the writ petition, petitioner Balwinder Kaur has levelled allegations that Balihar Singh his wife Sukhwinder Kaur, Pargat Singh brother of Balihar Singh, Gulzar Singh son of Pargat Singh, Daler Singh son of Pritam Singh, his brother Satpal Singh all residents of Revar along with Navneet Kaur resident of Karnal have kidnapped the son of then petitioner namely Kamalpreet Singh (present petitioner) along with his wife Amrit Kaur. During the same it transpired that in fact on 18.12.2011, Amrit Kaur had died (which is claimed to be by electric shock) and the present petitioner husband of the deceased was not traceable. It was revealed that Amrit Kaur had died at her parents house and was cremated without any post mortem examination/inquest or without informing the police and it is on the basis of the same, the present case was got registered

Learned counsel for the petitioner has detailed at lengthy arguments claiming it to be honour killing by the parents of the girl and falsely implicating the petitioner husband in connivance with the police whereas the State has sought to oppose the bail on the

grounds of heinousness of the offence and that it was on account of act and conduct of the petitioner husband the deceased had died.

The State has opposed the bail on the grounds of heinousness of offence and that custodial interrogation is essential to unravel the truth.

Appreciating the arguments and the records, it is there in the records that petitioner accused Kamalpreet Singh is resident of village Kammo Majra Khurd, Tehsil and District Sangrur while the girl was resident of village Revar, Tehsil Narwana, District Jind. It is there in the records that Amrit Kaur was studying in Akal Degree College, Mastuana Sahib, Sangrur and was hosteler in the year 2010-11. Further-more the marriage certificate placed on the records as Annexure P/2 and remains unrefuted shows that petitioner and Amrit Kaur solemnized a marriage on 8.12.2011 at Gurdwara Anand Nagar (Patiala) and which certificate of marriage has been issued by the President, Gurdwara Parbandhak Committee, Anand Nagar, Patiala. It is claimed by the prosecution that the deceased had left behind a hand written suicide note dated nil (claimed to be dated 24.12.2011) showing she was putting an end to her life on account of the husband being an addict and which is the precise allegations of the prosecution as canvassed by the

learned State counsel. However, it is duly conceded at the bar by the learned State counsel that the deceased died at her parental house in District Jind. There is nothing substantial to show the date of death, cause of this death as neither any inquest or post mortem examination has been undertaken nor any information has been given to the police nor the learned State counsel could convince this Court if Birth and Death Registering Authority was informed immediately about this death and death certificate obtained certainly is a suspicious circumstance. The corroborative fact that a complaint was moved to Superintendent of Police, Jind on 16.12.2011 by the petitioner and subsequent machination crafted by the parents of the girl leading to filing of the writ petition dated 20.12.2011 and immediate thereafter claimed by the parents of the girl that she died due to electrocution on account of abetment by the petitioner. The claim of the petitioner that it was against the wishes of the parents of the girl that the marriage was performed and they were inimical towards this marriage further lends credence to the arguments of the counsel for the petitioner. Though it is claimed by the State that the petitioner has been declared a proclaimed offender but the records Annexure P/7 shows that this Court vide orders dated 27.8.2015 has stayed the operation of this order.

Thus, in the totality a strong overwhelming suspicion arises in the mind of the Court that when the girl has died an un-natural death at her parents home, why the family on the slyly cremated the dead body and rather than getting conducted post mortem examination and reporting the matter to the police had acted on the sly rather strengthens belief of the Court that all is not well with the prosecution. Restraining itself from further commenting as is there before this Court it would be traversity of justice to send the petitioner behind the bars and thus, it is appropriate to allow the bail application.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The present petition stands disposed of.

The Court is certainly perturbed over the manner of this

shoddy investigations whereby the police has tried to save the real culprits and thus making scapegoat to account for this untimely suspicious death of a young woman.

December 11, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No