

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-38408-2019

Date of Decision:05.11.2019

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in 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.

Learned counsel for the petitioner states that the deceased was married with the petitioner on 07.07.2017 and she died on 19.05.2018 after consuming poison. He has argued that the prosecution version as narrated in the FIR is contrary to the medical record. The allegations in the FIR are that on 19.05.2018, the complainant along with his brother-in-law Gurmukh Singh had come to meet her daughter Simarjit Kaur and have heard the noise of quarrel from the house of her daughter, is totally concocted. It is the petitioner who has brought the deceased to the Civil Hospital, Batala

from where she was further taken to Guru Nanak Hospital, Amritsar. The

prosecution story is that the complainant has seen her daughter in the bedroom, where Sawinder Kaur(mother-in-law) was holding the legs, whereas Ranjit Singh(father-in-law) was holding the arms of the deceased and was telling the petitioner again and again to immediately put medicine in her mouth so as to bring an end to the daily quarrel, cannot be accepted. Moreover, the complainant has stated that the petitioner has pulled out some poisonous medicine from his pocket and has poured in the mouth of the deceased and also made her to drink water from the glass lying nearby, is totally false and unbelievable. It is the petitioner who brought the deceased to the Batala Hospital, whereas in the FIR, it has been stated that the complainant had brought her(deceased) to the hospital. Petitioner is in custody since 20.05.2018 and as against total 16 witnesses cited by the prosecution, only 01 witness has been examined in the case. Ranjit Singh and Sawinder Kaur(parents-in-law of the deceased) have already been granted anticipatory bail by this Court vide order dated 14.05.2019 passed in **CRM-M-33452-2018(Ranjit Singh and another Versus State of Punjab)**.

Learned State Counsel, on instructions from ASI Palwinder Singh, submits that no doubt the petitioner is in custody since 20.05.2018, but the deceased had died in less than one year of her marriage and merely because there was some minor discrepancy in the statement of the complainant, the petitioner cannot take benefit of such discrepancy and therefore, not entitled for bail.

Heard learned counsel for the parties.

As per FIR, the complainant was present at the scene of occurrence, but he has not come forward to save the deceased from the

clutches of the petitioner, who along with his parents was committing the offence. There is variation in the statement of the complainant as in the FIR version, it has been stated that they brought the deceased to the Civil Hospital, Batala, but the record reveals that the deceased was brought to the hospital by the petitioner in his Alto car which was being driven by him (petitioner). In this manner, culpability of the petitioner is yet to be established during the course of trial. Petitioner is in custody since 20.05.2018. As against total 16 witnesses cited by the prosecution, only one witness has been examined so far. Trial in the case is not likely to be concluded in the near future. Therefore, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner

November 05, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No