

CRM-M-39733-2019

Date of Decision : 19.12.2019

Raju Singh @ Balwinder Singh and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. S.S. Sidhu, Advocate
for the petitioners.Mr. Pawan Sharda, Senior DAG, Punjab
for the respondent-State.Mr. G.S. Sandhu, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

The allegations, against the petitioners, in this first anticipatory bail application under Section 438 Cr.P.C in a case bearing FIR No.110 dated 09.08.2018 filed under Sections 304-B and 34 of the Indian Penal Code and subsequently, vide order under Section 319 Cr.P.C., the accused/petitioners are made to face trial under Sections 302, 304-B, 315 and 34 of the Indian Penal Code registered at Police Station Sadar Bathinda, District Bathinda are as follows:-

The present case was got registered on the statement of Jasvir Singh, maternal uncle of the deceased-Beant Kaur. It is alleged that marriage of the deceased was solemnized with Harjinder Singh about one year back, prior to this occurrence on the intervening night of 8th/9th August, 2018. It is alleged that though, the family of the girl has given sufficient dowry articles, however, the accused/petitioners were not happy with the same and the deceased, was often ill-treated by the husband, mother-in-law, brother and *bhabhi* of the principal accused/husband and as a consequence of which, the deceased consumed poison and died, leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the prosecution has sought to counter the version as first information report was got lodged by Gurmit Singh, brother of the deceased and has sought to place reliance on Annexure P-2 and subsequently, distorted version has come about in the FIR and there are no specific allegations against the petitioners, who are residing separately. It is alleged that the accused/petitioners were innocent and subsequently, summoned with the aid of Section 319 Cr.P.C.

The learned State counsel, on instructions from SI Darshan Singh, Police Station Sadar Bathinda, District Bathinda have opposed the grant of bail, in view of the heinousness of the offences and seriousness of the allegations and that within one year

of marriage, it is on account of demand of dowry, the deceased had been forced to take this step of consuming poison leading to death and their custodial interrogation is very much essential.

Appreciating the submissions, which could not be displaced by the learned State counsel that initially statement (Annexure P-2) of the brother of the deceased, was got recorded, wherein, no such allegations have come about against the petitioners. The petitioners were found innocent and were placed in column No.2 of the report under Section 173 Cr.P.C. and since, subsequently, summoned under Section 319 Cr.P.C., appearance of the petitioners before the learned Trial Court would suffice the purpose.

The petitioners shall put in appearance before the learned Trial Court within a period of 15 days and on their doing so, they shall be released on bail to the satisfaction of the learned Trial Court. They shall also abide by the conditions specified under section 438 (2) Cr.P.C.

The petition stands disposed off.

19.12.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No