

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

**CRM-M-6070 of 2020 (O&M)
DATE OF DECISION :- June 01, 2020**

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(The case has been taken up through Video Conferencing)

CRM-11901 of 2020

This is an application for pre-poning the present petition.

Heard.

Allowed.

CRM-M-6070 of 2020

This petition for regular bail has been filed by Baljinder Singh, an accused in F.I.R. No. 80 dated 28.7.2019 for an offence under Section 306 IPC registered with Police Station Haryana, District Hoshiarpur.

Briefly stated the facts of the case as per prosecution story are that criminal machinery in this case was set into motion by complainant Surjit Kaur w/o Kashmira Singh, resident of Village Sajjna, Tehsil Dasuya, District Hoshiarpur, who in her statement recorded with the police stated

that marriage of her husband's sister namely Jasvir Kaur was solemnized with Baljinder Singh-accused son of Harmesh Singh about 17 years earlier and the couple was blessed with three children. Baljinder Singh has been working as a truck driver. About 10 years back, he developed illicit relations with a woman namely Randeep Kaur @ Ninder widow of late Atma Singh of his village. As a result Baljinder Singh used to reside with Randeep Kaur @ Ninder for most of the time and for that reason frequent quarrels used to take place between Baljinder Singh and Jasvir Kaur. Jasvir Kaur kept the complainant and other members of her parental family informed in that regard, while visiting them at their place. She along with her children resided with them on several occasions but each time she was persuaded to return to the matrimonial home. Panchayats were also convened to resolve the issue but to no effect since Baljinder Singh did not mend his ways. On 27.7.2019 at about 11.00 P.M. Bikram Singh brother of Baljinder Singh had informed the complainant side that Baljinder Singh had a quarrel with his wife Jasvir Kaur and due to that reason Jasvir Kaur had consumed some poisonous substance and they were taking her to Shivam Hospital, Hoshiarpur. Thereafter the complainant along with other relatives reached Shivam Hospital where Jasvir Kaur died during treatment at about 5.00 A.M. In her statement, the complainant stated that Jasvir Kaur had committed suicide by consuming a poisonous substance on account of illicit relations of Baljinder Singh with Randeep Kaur @ Ninder and due to reason of quarreling by them with Jasvir Kaur and due to irritation of such illicit relations.

After registration of formal F.I.R. both the accused were

arrested in this case. On completion of investigation and other formalities challan has since been filed against both the accused and they are facing trial in the Court of Additional Sessions Judge at Hoshiarpur.

Baljinder Singh had filed a petition for regular bail before the Court of Additional Sessions Judge at Hoshiarpur, however, it was dismissed by the said Court on 1.2.2020. He has knocked at the door of this Court asking for similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

It is specific case of the prosecution that Jasvir Kaur wife of petitioner-accused Baljinder Singh had committed suicide on account of illicit relations of Baljinder Singh with Randeep Kaur @ Ninder, the latter two quarreling with her and for the reason that Baljinder Singh had been residing with Randeep Kaur @ Ninder in her house for the most of time in the process neglecting his wife Jasvir Kaur and their three children. As per the prosecution version Baljinder Singh and Randeep Kaur @ Ninder have abetted the suicide by Jasvir Kaur.

The trial is going on. The guilt of the accused shall be determined during the trial, which is expected to be concluded in near future. With such type of grave and serious allegations, the petitioner is not found entitled to grant of regular bail since there is genuine apprehension of his absconding and even trying to tamper with the prosecution evidence if released on bail. Merely because his co-accused Randeep Kaur @ Ninder has been granted bail by this Court, he cannot seek bail on ground of parity

with Randeep Kaur @ Ninder since as per the prosecution case the petitioner is the main culprit and most of the allegations are against him.

Though learned counsel for the petitioner tried to raise various arguments like there being little probability of Jasvir Kaur committing suicide after 17 years of marriage and allegations levelled by the complainant to be incorrect, but these contentions touch the merits of the case which will be seen during the trial and are not of much significance while deciding the question whether petitioner is entitled to grant of regular bail or not. The factors which are to be considered for determining the entitlement of an accused for grant of bail are quite different from the factors which need to be kept in mind while determining the guilt of an accused during the trial.

Thus finding no merit in the petition, the same stands dismissed.

(H.S. MADAAN)
JUDGE

June 01, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No