

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16447-2020

Date of decision : July 28, 2020

Balwant Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sukhwinder Singh Kamboj, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr.DAG, Punjab.

Mr. Ajay Yagyaang, Advocate for the complainant.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No. 92 dated 05.10.2019 under Sections 306, 380, 34 IPC registered at Police Station Sadar Rupnagar, District Rupnagar.

It is submitted that the petitioner has been falsely implicated in this case merely because he is the son of the co-accused Darshan Kaur, who solemnised marriage with Satwinder Singh @ Satti son of Chajja Singh (deceased) – husband of the complainant. As per the allegations in the FIR, the complainant's husband, with the complainant's consent, solemnised marriage with Darshan Kaur. The complainant is stated to be 62 years old. It is stated that the complainant and her husband were not blessed with a child. Due to this reason and ill health of the complainant, Satwinder Singh married Darshan Kaur about fifteen months prior to the incident. The petitioner, who is the son of Darshan Kaur, also started residing with them. The petitioner is further stated to have taken some money from the house and gone to his brother Beant Singh. Discord arose between Darshan

Kaur and Satwinder Singh due to the behaviour and alleged misconduct of the petitioner. Satwinder Singh did not wish for the petitioner to stay in his residence which led to acrimony. Darshan Kaur, it is stated, out of her own free will left the company of Satwinder Singh alongwith jewellery given to her as well as the jewellery of the complainant. Satwinder Singh was stated to be in depression since the said date and he committed suicide by shooting himself with his licenced revolver.

Learned counsel for the petitioner submits that it is debatable whether the offence under Section 306 IPC is made out qua the petitioner on the basis of the allegations in the FIR. The co-accused Darshan Kaur is stated to have been granted the concession of bail in CRM-M-13190-2020 (Annexure P3). Final report under Section 173 Cr.P.C. stands presented and the petitioner is not involved in any other criminal case. It is submitted that the petitioner undertakes not to even visit the residence of the complainant or try to contact her or any of the witnesses in this case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State as well as the complainant submit that serious allegations have been levelled against the petitioner and it is because of his conduct and behaviour, that Satwinder Singh committed suicide. Learned counsel for the State, however verifies that final report under Section 173 Cr.P.C. stands presented and the petitioner is not involved in any other criminal case. The petitioner has been in custody since 11.11.2019. Due to outbreak of the pandemic, COVID-19, not much progress is being made towards the conclusion of the trial. Eighteen (18) witnesses are yet to be examined.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the learned trial Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

It is made clear that in case the petitioner attempts to approach the complainant or any of the witnesses, bail afforded to the petitioner may be cancelled.

July 28, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No