

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36166-2018 (O&M)
Date of Decision:-6.2.2020

Rajinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Amarjit Kumar.

Mr. D.S. Sobti, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.71 dated 24.7.2016 at Police Station P.A.U. District Ludhiana under Sections 302, 420, 465, 467, 471, 120-B and 182 of Indian Penal Code.
2. The matter in hand pertains to death of Ranjit Kaur, wife of the petitioner, who died an unnatural death on 21.7.2016. Initially, the aforesaid FIR i.e. FIR No.71 was lodged on 24.7.2016 at the instance of the petitioner himself, wherein it was alleged that his wife Ranjit Kaur had committed suicide having been abetted to do so by Charanjit Singh, his wife Gaganjot Kaur, Paramjit Singh and his wife Lakhvir Kaur.

3. A few days after lodging of the FIR, the petitioner produced a suicide note allegedly written by the deceased, wherein she named the aforesaid four persons namely Charanjit Singh, his wife Gaganjot Kaur, Paramjit Singh and his wife Lakhvir Kaur responsible for her death. The matter was investigated by the police, during the course of which the suicide note was got examined from Forensic Science Laboratory and it was found that the same was forged. In the post mortem report the cause of death was opined to be asphyxia due to strangulation. Consequently, the police while giving the clean chit to the aforesaid four persons, who had been nominated as an accused in the FIR, recorded general diary No.032 dated 26.2.2018 (Annexure P-3) at Police Station Police Commissionerate, Ludhiana, Punjab and proceeded against the petitioner alleging therein that it is the petitioner himself, who had killed his wife so as to falsely implicate his brother, nephew and their wives since there was a property dispute amongst them.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and it is absolutely unlikely and unbelievable that a person would kill his own wife so as to falsely implicate some other persons. The learned counsel has further submitted that there is nothing on record to show that the petitioner would have any motive to kill his own wife especially when there is nothing to show that their relations were strained in any manner. The learned counsel has further submitted that, in any case, the petitioner being an infirm person aged about 80 years deserves the concession of bail since the trial is likely to take substantial times for its conclusion.
5. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since the police during

thorough investigation had found that the petitioner was a desperate kind of person and had fabricated evidence to falsely implicate Charanjit Singh and others and had forged a suicide note, which upon its examination by FSL was found categorically to be a fabricated piece of evidence, it is clearly evident that the petitioner himself had killed his wife to falsely implicate Charanjit Singh and others as there was a property dispute pending between them. The learned State counsel has, however, informed that only 16 PWs out of the cited 29 PWs have been examined so far.

6. The learned counsel for the complainant has vehemently argued that since the post mortem report clearly shows that it is a case of strangulation and not of hanging, the complicity of the petitioner is evident and no case for grant of bail is made out.
7. I have considered rival submissions addressed before this Court.
8. It will certainly be debatable as to whether the petitioner had himself killed his own wife to falsely implicate Charanjit Singh and others or as to whether the deceased had committed suicide. At this stage, this Court does not deem it appropriate to make any expression as regards merits of the main case. However, keeping in view the fact that the petitioner is aged about 80 years and has been behind bars since the last more than 1 year and 10 months and conclusion of trial is likely to take some time since only 16 PWs out of the cited 29 PWs have been examined so far, further detention of the petitioner would not serve any useful purpose particularly when the petitioner is not even stated to be a previous convict.
9. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.2.2020
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No