

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-18567 of 2020 (O&M)
Date of Decision: November 18, 2020

Jaswinder Singh & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Gupta, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Amaninder Sekhon, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CM No.23313 of 2020

Application allowed. Documents taken on record.

CRM-M-18567-2020

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.41 dated 19.04.2020, under Sections 306 read with Section 34 IPC, 1860, registered at Police Station, Sadar Faridkot, District Faridkot. The petitioners are in custody since their arrest on 20.04.2020.

According to the prosecution, complainant, namely, Naam Singh, made a statement to the effect that on 04.04.2020, Kuldeep Kaur wife of Gurcharan Singh, Gurmeet Kaur wife of Lakhwinder Singh @

Gabbar, Lakhwinder Singh @ Gabbar and Jaswinder Singh @ Satti had performed incantation on the clothes put on the wall by his wife Sukhvir Kaur. In this regard, the above persons entered in their house and also gave beatings to his father Gurcharan Singh and wife Sukhvir Kaur and torn their clothes, upon which FIR No.38 dated 07.04.2020 was registered at Police Station, Sadar Faridkot. On 09.04.2020, his father Gurcharan Singh was admitted in Civil Hospital, Faridkot, while Sukhvir Kaur along with his daughter Taranjit Kaur was present in the house, where Kuldeep Kaur, Gurmeet Kaur, Lakhwinder Singh and Jaswinder Singh came together and tried to break open the door of his house. At that time, Lakhwinder Singh @ Gabbar and Jaswinder Singh @ Satti were drunk and armed with kappa, kirpan etc. They entered the house of complainant through window with an intention to kill and his wife bolted the room and telephonically informed him that the accused persons were pushing the door of their house and using abusive language and due to fear, she was consuming poison. The complainant rushed to the house and saw that his wife had consumed poisonous substance. She was got admitted in Deep Hospital, Nihal Singh Wala, where she died on 18.04.2020. As per allegations, she committed suicide due to the harassment at the hands of the accused persons. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners contends that the alleged dispute between the complainant's wife and the petitioners took place on 04.04.2020, whereupon FIR No.38 dated 07.04.2020 was registered for the offences punishable under Sections 323, 324 and 34 IPC. He submits that later on, as per the allegations, when the accused tried to enter the house of the complainant, his wife Sukhvir Kaur bolted herself in a room and

consumed poison and narrated this to her husband (complainant) on telephone. He submits that the act of consuming poison was voluntary act on the part of the victim and because of the previous dispute, the petitioners have been falsely implicated in this case. He submits that the victim died on 18.04.2020 and the FIR was registered on 19.04.2020, which is based upon hearsay material. He further contends that the co-accused of the petitioners have been extended the concession of regular bail by this Court vide order dated 07.07.2020 passed in CRM-M No.16059 of 2020. He prays that the petitioners be released on regular bail as the investigation of the case is complete.

On the other hand, learned State counsel, on instructions, has opposed the prayer on the ground that the petitioners were named by the complainant, who along with others came to the house of the complainant when his wife was present there. According to him, the accused forced the victim to end her life. However, it is not disputed that the investigation of the case is complete.

After hearing the learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioners as the trial is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region. The petitioners presently are confined in judicial custody since their arrest on 28.04.2020, therefore, their further detention of petitioners behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial

Court/Duty Magistrate, Faridkot.

November 18, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No