

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33910-2020

DATE OF DECISION: OCTOBER 30, 2020

RAVINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. T.P.S. TEJI, ADVOCATE FOR THE PETITIONER.
MR. HARBIR SANDHU, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.184 dated 19.7.2020 under Section 302, 34 IPC, Police Station Division-B, Police Commissionerate, District Amritsar.

The FIR was registered on the basis of a complaint given by Hardev Singh to the effect that he had one son and three daughters. Her younger daughter Balwinder Kaur @ Kulwinder Kaur @ Lovely was married to Tejinder Singh s/o Kulwant Singh on 23.1.2010. The death of her daughter took place on 21.4.2020 and upon visiting the house of in-laws of her daughter, he doubted that her death took place in suspicious circumstances as the in-laws of her daughter used to taunt her for not giving birth to a son and used to beat her. He further stated that her daughter was asked to bring Rs.5 lakhs on various occasions for use at the construction of a joint house being built-up at Verka. On these broad allegations, the case was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 21.4.2020, whereas the FIR was lodged on 19.7.2020, i.e. after a delay of approximately three months. According to him, initially, as per the inquest report the victim allegedly committed suicide, but subsequently on the complaint of the father of the victim, the FIR was registered for the offence punishable under Section 302 IPC. He submits that the investigation of the case is complete and the further custody of the petitioner who is brother-in-law of the victim may not be necessary. He prays for grant of bail during the pendency of the trial.

The prayer is opposed by learned counsel for the State who is assisted ASI Sham Sunder and learned counsel for the complainant. Learned counsel for the complainant has invited the attention of the Court to the statement of Kulwant Singh (father-in-law of the victim) to contend that the said accused has suffered a confession wherein he has stated that the petitioner had entered into a conspiracy to eliminate Balwinder Kaur as she was unable to give birth to a boy. According to the statement, victim was strangled by Kulwant Singh. He submits that though the investigation of the case is complete, but the charges are yet to be framed. He further submits that the mother-in-law of the victim is yet to be arrested and therefore, the petitioner does not deserve the concession of regular bail. Learned counsel for the State has also argued on similar lines, but has not disputed the fact that the investigation of the case is complete, however, the trial is yet to commence.

Considering the above background, this Court finds that the investigation of the case is complete, but the trial is yet to commence. This

Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

October 30, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No