

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

CRM-M-43008-2020(O&M)

Date of decision : 23.12.2020

Balwinder Singh @ Kaka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Arti, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of regular bail to the petitioner in FIR No.76 dated 04.07.2017 under Section 306 of the Indian Penal Code, 1860 (Section 304-B was added later on), registered at Police Station Lehra, District Sangrur.

The present FIR was registered on the complaint made by Somi Ram, the real brother of the deceased-Suman. The deceased was married to Nikka Singh in the year 2015 and from the wedlock, a daughter who was aged 8-9 months at the time of filing of the FIR, was born. The complainant had alleged that Nikka Singh and his family members started torturing the deceased after six months of her marriage and thereafter, the matter was settled by way of compromise. On

was admitted in the Civil Hospital, Lehra and the matter was again compromised with the intervention of the Gram Panchayat. On 04.07.2017 at about 04.00 pm., the deceased is alleged to have been called up the complainant and informed that her in-laws were again torturing her and at one day, she would die and there would be evidence available in her almirah. Thereafter, the complainant tried to convince Suman-deceased not to commit suicide and he along with other relatives had gone to matrimonial home of the deceased. When they reached the matrimonial house of the deceased at about 08.00 p.m., they saw the dead body of the deceased lying on the cot. It is further the allegation that the deceased had committed suicide on account of torture by Nikka Singh, husband and Bant Singh, father-in-law, Darshna Kaur, mother-in-law, Kaka Singh, brother-in-law (Jeth), Aman Kaur, sister-in-law as they all provoked her to end her life. It is apt to note that Darshna Kaur, mother-in-law, Gurwinder Singh @ Nikka Singh, husband, Amandeep Kaur @ Aman, wife of the present petitioner, had already faced trial and have been convicted and sentenced by the Court of Sessions Judge, Sangrur. The present petitioner and his father Bant Singh, the co-accused, were declared as proclaimed offender and were eventually arrested on 02.11.2019.

Learned counsel for the petitioner has stated that the petitioner has falsely been implicated in the case and there are no specific allegations against the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instructions from ASI Tarsem Singh has stated that the petitioner, in the present case,

have already been faced the trial and convicted on the same set of charges.

I have heard learned counsel for the parties.

In the present case, on the same set of allegations, the other co-accused have already faced trial and have been convicted and sentenced by the Court of Sessions Judge, Sangrur. The petitioner herein had evaded the arrest for over a period of two years and was thereafter declared as proclaimed offender and could be arrested only on 02.11.2019 and on that account, the trial was delayed in the case of petitioner and the other co-accused, namely, Bant Singh.

Keeping in view the gravity of the offence and the fact that the other co-accused on the same set of charges have already been convicted and sentenced as also the fact that the petitioner had evaded the arrest for over a period of two years and was declared as proclaimed offender and could be arrested only on 02.11.2019, I do not deem this to be a fit case for grant of regular bail to the petitioner. Hence, the present petition is dismissed.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

23.12.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO