

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

**CRM-M-53602-2019 (O&M)
Decided on : 06.08.2020**

Gurjot Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. R.K. Grewal, Advocate
for the petitioner(s).

Ms. Samina Dhir, DAG, Punjab
assisted by ASI Jasvir Singh.

Mr. Gurcharan Dass, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

This present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 168, dated 23.09.2019, under Sections 306, 420, 511 of IPC, registered at Koom Kalan, District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand. In fact, the petitioner had solemnized marriage with complainant Amanpreet Kaur (since deceased) against the wishes of her parents on 23rd July, 2019. The parents of the deceased thereafter had been extending threats to the petitioner and his deceased wife, as a result of which, they approached this Court by way of CWP No. 20488 of 2019, titled as, “Amanpreet Kaur & another Vs. State of Punjab & others”, seeking protection of their life and liberty, wherein, this

Court had directed the official respondents to look into the representation filed

by them and take necessary steps as may be required for the protection of their life and liberty. Despite the aforementioned directions given to the police, the parents of his deceased wife continued extending threats to the petitioner and his wife in connivance with the police. On 22nd September, 2019, the petitioner and his deceased wife were asked to reach Police Station Koom Kalan, Ludhiana, where the parents of his deceased wife also landed, and his deceased wife was taken by the police officials to meet her parents and relatives in a separate room. The petitioner was thereafter told by his wife that her family had accepted their marriage and so she was being taken away by her relatives for a couple of days. However, the mobile phone of his deceased wife was switched off thereafter and later on, he learnt that his wife had fallen sick and had been admitted to a hospital by her family. On rushing there, the petitioner was not permitted to meet his wife, as he was told that she was under sedition. On the following day, he learnt that she had breathed her last.

Learned counsel for the petitioner further contends that the false implication of the petitioner in the FIR in question is writ large from the fact that his deceased wife was admitted in the hospital on 23rd September, 2019. The statement which led to the registration of the FIR in question was allegedly made by his wife, when she was conscious. In the circumstances, it was indeed strange that no effort or application was made by the Investigating Agency to get the statement of his complainant wife recorded before a Magistrate, as she admittedly died the following day.

Per contra, learned State counsel while opposing the submissions made by learned counsel for the petitioner, conceded on instructions from ASI Jasvir Singh, that no application was moved by the Investigating Agency to take the opinion of any Doctor with respect to the mental and medical fitness of

the deceased at the time of recording of her statement by the police, nor any application was made to get the statement of the deceased recorded by a Judicial Magistrate.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 30th September, 2019 and only charges have been framed till date, I deem it a fit case for grant of the concession of regular bail, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 06, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No