

204

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

**CRM-M-54934-2019 (O&M)
Date of decision-06.08.2020**

Harbjeet Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Gurinder Pal Singh, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Harbjeet Singh has preferred this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.100 dated 20.06.2019 registered under Sections 302 and 120-B of Indian Penal Code, 1860 at Police Station Pasyana, District Patiala. The petitioner is in custody since his arrest on 19.06.2019.

The FIR in the present case was registered on the statement of complainant, namely, Chiranji Lal wherein it was stated that the marriage of his daughter Surjit Kaur was solemnized with Harabjit Singh (petitioner) on 2.12.2014, who was working in the Indian Army. Out of the wedlock, no

child was born, therefore, for the treatment of his daughter, Harabjit Singh visited a doctor on 19.6.2019 and had come back in the evening at complainant's house. After sometime, upon receipt of a telephonic call from petitioner's father, petitioner had forcibly taken his daughter Surjit Kaur to his village on a scooty bearing no.PB-11-CG-3754. Having reached the Bhakhra Canal bridge, petitioner with an ulterior motive, drove the scooty into the canal. He came out of the canal whereas his daughter Surjit Kaur got drowned and died. On these broad allegations, the present FIR was registered.

Learned senior counsel for the petitioner contends that the case of the prosecution hinges upon the circumstantial evidence and according to him, it is extremely unnatural that the brother of the deceased was following the petitioner & his wife and witnessed the said occurrence. It is pointed out that in fact, it was an accident and petitioner along with his wife fell in the river which resulted into the drowning of Surjit Kaur, whereas the petitioner survived as he knows how to swim. Dr. Sidhu has argued that the motive as described by the complainant was that his daughter was unable to conceive pregnancy, therefore, the husband wanted to get rid of her, is not worth believing as the petitioner himself was involved in the treatment of the wife and also wrote to the Army Authorities on 27.02.2019 (Annexure A-3) for transferring him near a place where he could get proper treatment of his wife. Apart from it, it is pointed out that the petitioner being an Army man had also executed an official Will in favour of his wife on 02.01.2018 (Annexure A-5). Learned Senior counsel has argued that the co-accused of

the petitioner has already been released on regular bail and considering the present situation in the country, the trial is likely to consume considerable time to conclude as despite framing of charges on 28.11.2019, no prosecution witness has been examined so far. It is prayed that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, the prayer is vehemently opposed by Mr. Gurinder Pal Singh, learned counsel for the complainant, who has asserted that the petitioner was unhappy with his wife as she was unable to conceive and, therefore, he had planned the murder of his wife. It is pointed out that the couple left the house of the complainant and the vehicle allegedly crossed the road and fell in the river, situated on the right side, which does not appeal to the prudence. He submits that the petitioner does not deserve the concession of regular bail.

Learned State counsel assisted by SI Sohan Singh has also opposed the prayer on the ground that the offence is serious and after completion of the investigation, sufficient evidence has been placed before the trial Court whereupon, the charges have been framed. It is pointed out that the brother of the victim is eye witness, who followed the couple and witnessed the occurrence.

At this stage, Dr. Sidhu, learned Senior counsel has pointed out that the material witnesses are the close relatives of the victim and, therefore, there is no possibility of their being won over.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and charges have also

been framed against the petitioner on 28.11.2019. Besides, his co-accused has already been released on bail vide order dated 09.12.2019 (Annexure A-7), therefore, this Court does not find any reason to decline the prayer of the petitioner particularly when the trial is likely to take considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread. The petitioner after his arrest on 19.06.2019 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

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/Duty Magistrate concerned.

The petition is allowed.

06.08.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No