

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

CRM-M-1968-2021 (O&M)

Date of Decision: 21.01.2021

Inderjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pradeep Virk, Advocate for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in case FIR No.0137, dated 28.05.2020, under Sections 304-B/149 IPC (Section 149 IPC has been deleted later on and Section 34 IPC added), registered at Police Station City Batala, District Batala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Bhupinder Singh S/o Satnam Singh. Deceased is his daughter, namely, Mandeep Kaur. Petitioner herein is father-in-law of Mandeep Kaur. Complainant asserted that marriage of his daughter, Mandeep Kaur had been solemnized with Satwant Singh i.e. son of the petitioner in October, 2016. Out of wedlock, a male child was born. Husband of Mandeep Kaur had proceeded abroad. Mandeep Kaur was residing with her in-laws family at Batala. Allegations have been raised that after some days of marriage, father-in-law, Inderjeet

Singh/petitioner, mother-in-law, Sukhbir Kaur, brother-in-law (jeth) Jagwant Singh, sister-in-law, Rajwinder Kaur and sister-in-law (nanan), Onkarpreet Kaur started giving taunts to Mandeep Kaur for bringing less dowry and started harassing her and also resorted to physical beatings on the pretext of getting more dowry. Complainant also asserted that his son-in-law, Satwant Singh before going abroad also used to harass and torture Mandeep Kaur. There is a specific allegation in the FIR in relation to 28.05.2020 that at around 9/9:30 A.M., Mandeep Kaur had made a telephonic call to her parental home that her in-laws family is torturing and beating her. Complainant asserts that at about 5:00 P.M. on the same day i.e. on 28.05.2020 he along with his brother, Harjit Singh reached Mandeep Kaur's in-laws' house at Batala. From inside the house, voice of *maar ditta, maar ditta* was coming. Complainant and his brother immediately proceeded to the second floor where upon they witnessed the father-in-law i.e. the present petitioner, mother-in-law Sukhbir Kaur, brother-in-law (jeth) Jagwant Singh, sister-in-law, Rajwinder Kaur and sister-in-law (nanan), Onkarpreet Kaur had put a *chunni* around the neck of Mandeep Kaur and after tying the same with a fan had hanged her. It was asserted that the complainant as also his brother immediately got Mandeep Kaur down after opening the *chunni* but their efforts could not save Mandeep Kaur.

Petitioner was arrested on 01.06.2020.

Investigation in the present case has concluded and the challan was filed on 26.08.2020. Charges have thereafter been framed on 22.12.2020. 19 prosecution witnesses have been cited but none have been examined till date.

It would be apposite to take note that co-accused, Sukhbir Kaur i.e. mother-in-law of deceased Mandeep Kaur and wife of the present petitioner filed CRM-M-22515-2020 i.e. a petition under Section 438 Cr.P.C. seeking concession of pre-arrest bail. Such petition came up for preliminary hearing before this Court on 13.08.2020 and while granting interim protection subject to joining investigation, the Coordinate Bench had taken notice of a submission advanced by counsel that there was a CCTV footage which reflects that the complainant had reached the in-laws house after the incident had taken place. The Coordinate Bench had also taken note that SI Harjit Singh, who was instructing the State counsel had apprised the Court that investigation is still going on but had not disputed the CCTV footage.

In the present petition seeking regular bail a categoric stand has been taken on behalf of the petitioner that as per CCTV footage, the complainant as also his brother had reached at the house of the petitioner at 6:16 P.M. on the fateful day i.e. on 28.05.2020. It has been vehemently argued that the version of the complainant as regards him along with his brother being an eye witness to the occurrence is factually incorrect and rather falsified on the strength of the CCTV footage.

During the course of arguments, it has also gone uncontroverted that as opposed to the complainant's version that he had witnessed the present petitioner, mother-in-law Sukhbir Kaur, brother-in-law (jeth) Jagwant Singh, sister-in-law Rajwinder Kaur and sister-in-law (nanan) Onkarpreet Kaur having hung his daughter Mandeep Kaur with a ceiling fan but after investigation having been conducted, in the final investigation

report/challan, jeth Jagwant Singh, Jethani Rajwinder Kaur and Nanan Onkarpreet have been found to be innocent.

I find sufficient merit in the contention raised by counsel for the petitioner that this would make a substantial dent in the prosecution version.

It is not the case made out on behalf of the State that benefit of bail if granted to the petitioner, he would be in a position to hamper the course of a free and fair trial.

Trial is at the very initial stage and would take time to conclude.

Petitioner has already faced incarceration over a period of 7 months and 13 days.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

21.01.2021

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |