

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

CRM-M-1895-2021 (O&M)

Date of decision: 14.01.2021

Gursewak Singh @ Sweak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Gazi Mohd. Umair, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Gursewak Singh @ Sweak Singh, an accused in FIR No.212 dated 21.12.2020, for offences under Sections 306, 120-B and 498-A IPC, registered with Police Station Nihal Singh Wala, District Moga.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.

Briefly stated facts of the case are that, criminal machinery in this case was set into motion by complainant Bhupinder Singh son of Harbans Singh, resident of Thuliwal, Tehsil & District Barnala, aged about 55 years, who in the statement made to the police stated that his

daughter Manpreet Kaur, aged about 25 years was married with Ranjit Singh son of Kapoor Singh, resident of Madhoke Road Nihal Singh Wala about five years earlier; Manpreet Kaur had given birth to a male child from the wedlock, who was about 03 years old at the relevant time; as alleged in the statement, family of in-laws of Manpreet Kaur started harassing her for more dowry just after one year of the marriage and they had left Manpreet Kaur in her parental house after giving beatings to her and while going, they had stated that till fulfillment of their demand for dowry, they would not take Manpreet Kaur back to the matrimonial home; after waiting for about 03-04 months, the complainant went to the house of in-laws of Manpreet Kaur along with certain respectables in the form of panchayat, seeking rehabilitation of Manpreet Kaur in the matrimonial home but members of in-laws family of Manpreet Kaur rather insulted the complainant and other respectables, who had gone along with him in the form of panchayat, as such, they returned; Manpreet Kaur had filed a petition in the Court seeking restitution of conjugal rights; her husband had taken her back after giving an undertaking, however, Manpreet Kaur was asked not to meet her parental family members; on 19.12.2020, at about 9.00 AM, Ranjit Singh husband of Manpreet Kaur informed the complainant that Manpreet Kaur was under tension and she had consumed some poisonous substance, as such, she had been taken to Deep Hospital, Nihal Singh Wala; accordingly, the complainant along with certain other persons went to Deep Hospital, Nihal Singh Wala, where he

came across his daughter Manpreet Kaur, who was admitted in the hospital, who wept and stated that all members of her in-laws family used to beat her up in connection with demand of dowry and on account of said harassment by her husband Ranjit Singh, father in-law Bharpoor Singh @ Kapoor Singh, mother in-law Amarjit Kaur and brother in-law Gursewak Singh, she had consumed celphos tablets; the complainant left Karamjit Kaur wife of Gurmail Singh and Gurmail Singh son of Gurnam Singh, residents of Badhaur at hospital and himself returned home; on the next day i.e. 20.12.2020, at about 4' O clock, Karamjit Kaur informed that Manpreet Kaur had expired; then complainant went to Deep Hospital and found that dead body of Manpreet Kaur had been taken to Civil Hospital, Moga; the complainant informed the police, on the basis of his statement, formal FIR was recorded; the investigation in the case started.

Apprehending his arrest in this case, petitioner/accused had filed a petition for grant of pre-arrest bail before the Court of Sessions at Moga. His such petition was assigned to Addl. Sessions Judge, Moga, who vide order dated 06.01.2021, dismissed the same. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that petitioner is brother in-law of the deceased, who had been residing

separately and he has got nothing to do with alleged harassment and torture of the deceased at the hands of her in-laws family members in connection with demand of dowry and from perusal of FIR, no abetment to suicide is made out. According to him, the petitioner is ready and willing to join the investigation, therefore, the present petition be accepted.

However, the prayer is being resisted by the State counsel vehemently, contending that a young woman had committed suicide within 07 years of her marriage and she was forced to take that step on account of her harassment and maltreatment by members of her in-laws family including the present petitioner, who is brother of husband of the deceased. The petitioner is specifically named in the FIR and even the deceased is said to have named him as one of her tormentors in connection with demand of dowry while taking to her father the complainant, when she was admitted in the hospital after consumption of poison; that statement is to be taken as dying declaration, which is admissible in evidence. According to learned State counsel, custodial interrogation of the petitioner is necessary.

After hearing the rival contentions, I find that the petitioner has been specifically named in the FIR alleging that he along with other in-laws family members used to harass and maltreat Manpreet Kaur-deceased in connection with demand of more dowry. The deceased while admitted in hospital after consumption of poison is said to have blamed the present petitioner also for her harassment, which

led her to consume poison. There is force in the contention of learned State counsel that the facts and circumstances of the case constitute an offence under Section 304-B of IPC, since the deceased has died an unnatural death within 07 years of her marriage and as alleged by the complainant, the deceased had been subjected to cruelty/harassment by her husband and his family members in connection with demand of dowry. It appears to be a case of dowry death. It is very surprising that local police instead of booking the culprits for the said offence has registered the FIR for less grave offences. The facts and circumstances of the case do not warrant grant of pre-arrest bail to the petitioner. Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case, the same is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

Thus, no case for grant of pre-arrest bail is made out. The petition is found to be without any merit and is dismissed accordingly.

14.01.2021

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(H.S. MADAAN)
JUDGE

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