

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.2034 of 2021 (O&M)
Date of Decision: April 06, 2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Baljinder Singh, Advocate,
for the petitioner.

Mr. Bhupinder Singh Beniwal, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.34 dated 07.03.2020, under Sections 304-B, 34 IPC, 1860 and Section 498-A IPC (added later on), registered at Police Station, Dirba, District Sangrur. The petitioner is in custody since his arrest on 22.07.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Sangrur in his order dated 22.12.2020, are as under:-

“As per the prosecution versions, complainant Mohinder Singh alleged that marriage of his daughter Rimpay was solemnized with Gurpreet Singh on 12.05.2019 and after few days of the marriage, his son-in-law Gurpreet Singh and mother of his son-in-law Amarjeet Kaur started harassing his daughter Rimpay for bringing less dowry and about five months prior to the present incident they sent Rimpay to her parental house at Patiala as their demands of dowry were not met. But on 26.02.2020, his son-in-law came and took Rimpay along with him

with the assurance that they will not harass her in any manner and will make all efforts to settle Rimpny in her matrimonial home. On the assurance of Gurpeet Singh, he has sent his daughter to her matrimonial home, but on 06.03.2020 at about 8:00 PM, Gurpreet Singh had informed the complainant that Rimpny is quite unwell and on hearing this, complainant alongwith his son Lakhan Gir went to village Sihal and he saw his daughter lying unconscious on bed and the complainant alongwith his son Lakhan Gir took his daughter to hospital at Patiala, where the doctors have declared her brought dead. It has been alleged that his daughter Rimpny has been killed by her husband Gurpeet Singh and mother-in-law Amarjeet Kaur due to bringing of insufficient dowry and since Gurpeet Singh used to beat his daughter as he wanted divorce from her. Hence, FIR.”

Learned counsel for the petitioner has argued that the victim was already suffering from a disease when she was married to the petitioner and in this regard, he has invited the attention of the court to the medical slip dated 11.07.2011 (Annexure P-1). He has further submitted that no external injury was found on the person of the victim, who died as a result of burst of fallopian tube and as per the opinion, the cause of death was described as shock and haemorrhage. It is pointed out that the co-accused of the petitioner has already been released on anticipatory bail. He submits that the investigation of the case is complete, therefore, he prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Nazar Singh, on the ground that the victim died within one year of the marriage and according to him, the opinion (Annexure P-3) has further mentioned that the possibility of trauma by use of blunt force cannot be ruled out. He submits that after completion of investigation, the final report was filed on 16.09.2020, however, no witness

has been examined.

After hearing the learned counsel for the parties and considering the fact that co-accused of the petitioner has already been extended the concession of anticipatory bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 22.07.2020. The prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial. Besides, the material witnesses are either close relatives of victim or police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Sangrur.

April 06, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No