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

**CRM-M No.14238 of 2021  
Date of Decision: 06.04.2021**

**MANJIT SINGH**

**.....Petitioner**

**Vs**

**STATE OF PUNJAB**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Ramandeep, Advocate  
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.163 dated 19.08.2020, registered under Sections 306 and 34 IPC at Police Station Dirba, District Sangrur.

Complainant Desraj father of the deceased Kamal Kaur lodged the FIR with the allegations that his elder daughter Kamal Kaur was married to the petitioner-Manjit Singh. Two children took birth out of this wedlock. Kamal Kaur was harassed by the petitioner and his family members. Due to the

harassment, she started living with the complainant for the last 4 years. During the period of dispute between Kamal Kaur and Manjit Singh, Gurpreet Kaur @ Goga i.e. younger daughter of the complainant and real sister of Kamal Kaur developed illicit relation with the petitioner and started living with him. Kamal Kaur was sent to the matrimonial home on account of some compromise. Due to the relationship between the petitioner and Gurpreet Kaur @ Goga, Kamal Kaur committed suicide on 19.08.2020.

Learned counsel for the petitioner submitted that infact Manjit Singh filed a petition under Section 13 of the Hindu Marriage Act against Kamal Kaur for the dissolution of marriage by decree of divorce on 10.04.2015. After due context, the said petition was decreed by the Addl. District Judge, Sangrur vide decree dated 27.11.2015 on the ground of cruelty. Paras No.14 and 15 of the said judgment read as under:-

*“14. The petitioner and his father has deposed that the respondent used to claim that the petitioner is not of her liking and she used to talk stealthily to the stranger on phone despite objection by the petitioner and the matter which reached at the panchayat where she has admitted her guilt, the submission made by the learned counsel for the respondent that after the said incident the respondent has remained with the petitioner and the acts of cruelty, therefore, stand condoned cannot be accepted as there has been the mental cruelty at regular intervals caused to the petitioner by the respondent.*

15. *The testimony of petitioner Manjit Singh and his father Jagjit Singh has been fully corroborated by PW2 Jarnail Singh resident of village Kakuwal and PW4 Jaspal Singh resident of village Dirba, member panchayat, who have proved the writings made in the panchayat and the conduct of the respondent as well as her brother, who had given beatings to the petitioner.”*

Before parting with the judgment, the Court of Addl. District Judge, Sangrur had also observed that minor son Arwind Singh was in custody of the Gurpreet Kaur @ Goga i.e. in the custody of the petitioner and minor daughter Parneet Kaur was in custody of respondent (Kamal Kaur). For their welfare of the children, it was observed that the decree shall be valid only after deposit of Rs.50,000/- in the name of Arwind Singh in a fixed deposit and an amount of Rs.1 lakh in the name of Parneet Kaur minor daughter of Manjit Singh. The said amount was to be paid to the children on attaining majority.

On the basis of aforesaid background, learned counsel for the petitioner submitted that since there was a valid divorce between the petitioner-Manjit Singh and Kamal Kaur, therefore, there was no occasion for Kamal Kaur to live with the petitioner at any point of time after the divorce. The ingredients of offence under Section 306 IPC are missing altogether.

The factual position of the case is not in dispute, nor the same could be disputed by the learned State counsel,

however, on instructions from ASI Mahipal Singh, he opposed the bail on the ground that Kamal Kaur was sent to matrimonial house under some compromise and she committed suicide in the house of the petitioner. After filing of challan and framing of charges, prosecution evidence has not been started as yet. Petitioner is in custody since 21.08.2020.

In view of aforesaid facts and circumstances of the case and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

April 06, 2021  
*Atik*

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether speaking/reasoned      Yes/No

Whether reportable      Yes/No