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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11123-2020 (O&M)
Date of decision-28.09.2021

Sharanjit Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parampreet Singh Paul, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. P.K.S. Phoolka, Advocate for
Mr. S.S. Rangi, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-21757-2020

The instant application is for placing on record document
Annexure P-10.

Notice in the application.

At the asking of the Court, Mr. Bhupinder Beniwal, AAG,
Punjab, accepts notice on behalf of the respondent-State and does not oppose
the prayer.

Application is allowed and document (Annexure P-10) annexed
with the application is taken on record.

CRM-M-11123-2020

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.151 dated 11.06.2019 registered under Sections 302 and 34 of Indian Penal Code, 1860 at Police Station Jamalpur, District Ludhiana. Petitioner is in custody since his arrest on 13.06.2019.

The allegations as levelled in the FIR, as noticed by the learned Additional Sessions Judge, Ludhiana in the order dated 13.02.2020 are as under:-

“In the present case, FIR was got registered at the instance and on the statement of Gurinder Kaur wife of Sharanjit Singh. It is in accusations that the marriage of complainant was solemnized with accused Sharanjit Singh 8-9 years ago and she was having two children from the said wedlock. After two years of her marriage, the accused started raising the demand of dowry and cash amount from her. On 09.06.2019 at about 12 O’Clock, the accused gave beatings on her person and on account of raising demand of cash amount from her by saying that her brother had gone abroad. Thereafter, the accused caught hold her from her legs and sat on her person. Her mother-in-law namely Manjit Kaur forcibly put some liquid thing in her mouth due to which she started vomiting. The complainant made a phone call to her brother Inderpal, who took her to hospital at Samrala. But on 10.06.2019, she was referred to Fortis Hospital.

The statement of complainant was read over to her and she put her signatures on the same in English after admitting its contents to be true and correct. On the basis of statement made by the complainant, an offence under section 307, 34 IPC was registered against the accused. On 12.06.2019, during treatment, Gurinder Kaur had died at Fortis Hospital, Ludhiana due to poisoning. After the death of Gurinder Kaur, offence under section 302 IPC was added. Thus, the present FIR.”

Learned counsel for the petitioner has argued that victim namely Gurinder Kaur was married to the petitioner approximately 8-9 years before the alleged occurrence and she died of poison on 12.06.2019. He submits that the patient was brought to hospital by the mother of the petitioner who was also arrayed as an accused but after completion of investigation, she was found innocent as per the final report dated 07.09.2019. He has further invited the attention of the Court to the statement of Assistant Sub-Inspector Jasvir Singh recorded on 08.08.2019 wherein it is mentioned that he met the mother of petitioner, who told about the matrimonial dispute between her daughter-in-law and the petitioner and at that time, the petitioner was not present at his house and later on the said ASI Jasvir Singh recorded the statement of victim at Fortis Hospital, Ludhiana. He submits that in view of the statement (Annexure P-3), it would be debatable if the alleged poison was administered forcibly to the victim by the accused. He submits that as the investigation is complete, therefore, he be released on bail.

Learned State counsel assisted by SI Ravinder has opposed the prayer on the ground that the case of the prosecution is based upon the dying declaration of victim, who has specifically named the petitioner and his mother Manjit Kaur. He submits that as per postmortem report, the victim died of poison, therefore, considering the seriousness of offence, the petitioner does not deserve the concession of regular bail as the charges are yet to be framed.

After hearing learned counsel for the parties and considering the above background, it is evident that the prosecution case is based upon the dying declaration of the victim herself, who was allegedly given poison on 09.06.2019 by the accused persons, and she died on 12.06.2019. The statement of the victim was recorded on 11.06.2019 wherein the name of the petitioner is specifically mentioned with a specific role. During the course of hearing, it is not disputed by learned counsel for the parties that in the inquiry on the basis of which the co-accused namely Manjit Kaur was declared innocent, the statement of victim Gurinder Kaur was not considered. Since the trial is at the initial stage and the material witnesses are yet to be examined, therefore, without expressing any opinion on the merits of the case, no case is made out for grant of regular bail to the petitioner at this stage.

The petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.09.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No