

202

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

CRM-M-18318-2021

Date of decision : 20.05.2021

Atma Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The petitioner seeks grant of regular bail in FIR No.106 dated 09.08.2019 registered under Sections 302, 34 of the Indian Penal Code, 1860 at Police Station Makhu, District Ferozepur.

The allegations as such against him is that his wife Kirandeep Kaur to whom he was married on 20.03.2012 had died by hanging early in the morning as per the information received by father-in-law of the petitioner himself. The father-in-law thereafter had stated that his daughter had been killed by the petitioner in connivance with his mother, and another co-accused by pressing the deceased's neck with a stoll (chunni). The said act was for on account of bringing less dowry and for doubting the character

of the deceased regarding a illicit relationship.

The regular bail application has been dismissed by the Court below on the ground that there are serious allegations regarding the offences, since death has been committed by way of strangulation and there would be threat to the witnesses and of tampering of prosecution evidence.

Counsel for the petitioner has pointed out from the Post Mortem Examination Report that there was a 18 cm x 3 cm ligature mark present circumferentially around the anterior of the neck and there was fracture on the cervical vertebrae's C5, C6 and C7. It is, thus, submitted that it is a case of death due to Asphyxia by hanging and not a case of strangulation as such and there is no eye-witness account as such of the said allegation, on the basis of which the petitioner has been detained for more than 1½ years, since he was arrested on 11.08.2019.

It is further submitted that charges as such have been framed and the witnesses are as such persons who would cannot be put under threat being relatives of the deceased and the investigation having been completed, no useful purpose would be served in keeping the petitioner in detention and the trial is likely to take time. The Post Mortem Examination Report reads as under:-

*“Ligature Mark 18 CM x 3 CM Ligature Mark
present circumferential around
anterior of neck. On dissection
glistening white bands are seen.
Fracture of cervical vertebrae C5,
C6, C7. Subcutaneous areolar tissue
underneath the ligature mark is
ecchymosed.”*

Keeping in view the above and the fact that as such information was received by the complainant's father namely Sukhdev Singh to the same extent but his version is to the contrary and on account of the fact that it is hearsay, since in the FIR, it is stated that he came to know that his daughter had been killed by strangulation, this Court is of the opinion that the petitioner is entitled for the benefit of regular bail.

Also, keeping in view the fact that the trial will take considerable time in view of situation arising out of pandemic COVID-19, the petitioner is also entitled for regular bail. Resultantly, the petition is allowed. The petitioner shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the CJM/Illaq Magistrate, Ferozepur. Needless to say that any observations made in this order hereinabove will not have any effect upon the trial of the case.

20.05.2021*Pawan***(G.S. SANDHAWALIA)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**