

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

CRM-M-15321-2020 (O&M)

Date of decision: 10.03.2021

Jaswinder Singh @ Kukki

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms. Monita Mehta, Advocate for the petitioner.

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

H.S. MADAAN, J.

CRM-2182-2021

Allowed as prayed for, subject to all just exceptions.

Annexures P-5 to P-15 be taken on record.

Main Case

This petition for regular bail has been filed by petitioner Jaswinder Singh @ Kukki, an accused in FIR No.109 dated 21.08.2019, for an offence under Section 307 IPC (Sections 302 and 498-A IPC added later on), registered with Police Station Mahilpur, District Hoshiarpur.

In nutshell, the prosecution story is that, Seema Rani wife of the present petitioner Jaswinder Singh @ Kukki had consumed

poison and was admitted in PGI, Chandigarh in a critical condition; on coming to know about it, the police reached the hospital and at police request, Sh. Simran Singh, JMIC, Chandigarh recorded statement of Seema Rani there; *inter alia*, in that statement, Seema Rani stated that on account of quarrel between her and her husband Jaswinder Singh @ Kukki (present petitioner), they started residing separately about 04 years earlier; however about 1 ½ years from that date, she had resumed cohabitation with her husband Jaswinder Singh @ Kukki, however, in the matrimonial home, her mother in-law behaved with her properly for 3-4 months but thereafter, again started quarreling with her; on Sunday, she had gone to her parental home for tying Rakhi to her bother and then returned home; she asked her husband to get the water motor repaired but he refused, asking Seema Rani to get it done herself; on Wednesday, in the evening while Seema Rani was talking with Kulwinder wife of friend of her husband, then Jaswinder Singh @ Kukki had thrown articles by standing outside; he had quarreled with Seema Rani on Saturday also; on Sunday, her husband again picked up quarrel with her and then left the house stating that he did not want to live with Seema Rani; he again came and poured oil on Seema Rani and set her on fire; thereafter, he left the home; Seema Rani in burnt condition was hospitalized by her brother in-law; Jaswinder Singh @ Kukki husband of Seema Rani also came there; in the latter part of the statement, she stated that she wanted her husband to give maintenance

to her and her daughter and did not want to take any action against him; copy of that statement was supplied to the police; offence under Section 307 IPC was disclosed; formal FIR for the said offence was recorded; subsequently, Seema Rani succumbed to the injuries suffered by her in the incident; offence U/s 304-B IPC was added ; petitioner was arrested in this case on 30.08.2019; vide report No.34 dated 27.11.2019, offences U/ss 498-A and 302 IPC were added, whereas, offences U/ss 307 and 304-B IPC were deleted; thereafter, on completion of investigation and other formalities, challan against the accused was prepared and filed in the Court and the trial is going on.

Petitioner/accused had filed an application for grant of regular bail before the Court of Sessions at Hoshiarpur, which was assigned to Addl. Sessions Judge, Hoshiarpur, who vide order dated 08.01.2020, dismissed the same. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by learned State counsel.

I have heard learned counsel for the parties besides going through the record and I find that there is absolutely no ground to grant regular bail to the petitioner. The allegations against the petitioner are very grave and serious that he had poured kerosene oil upon his wife Seema Rani and then set her ablaze, exhibiting a very cruel and shocking behaviour. Seema Rani had succumbed to the burn injuries in the hospital. In the statement made by her to the Magistrate, she has categorically stated so. This statement which is to be treated as her

dying declaration carries lot of sanctity and importance. The trial against the petitioner is going on and his guilt shall be determined there. Although, the proceedings in the trial Court were held up for some time on account of outbreak of COVID-19 disease but of the late, physical hearings have been resumed in the trial Courts and the trial is likely to be completed in near future. The apprehension expressed by the learned State counsel that the petitioner is released on bail then there is every likelihood of his absconding and tampering with the prosecution evidence is to be treated with all the seriousness.

Learned counsel for the petitioner has raised several issues on merits of the case while trying to make out a case for grant of regular bail to the petitioner but all these factors may have relevance before the trial Court which is to determine guilt of the accused on the basis of evidence adduced by the prosecution, the statement of accused recorded U/s 313 Cr.P.C. and defence evidence if any but this Court is not required to hold a parallel trial for the purpose of deciding the present bail petition and then to come to some independent conclusion. Keeping in view the totality of circumstances, no case for grant of regular bail is made out. The petition lacks merit and is dismissed accordingly.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.03.2021

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No