

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21866-2021 (O&M)
Date of Decision:- 27.9.2021

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetinder Ahluwalia, Advocate, for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Divij Dutt, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-27519-2021

In view of the reasons mentioned in the application, the same is
allowed and Annexure P-6 is taken on record subject to all just exceptions.

CRM-M-21866-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail
in a case registered vide FIR No.212, dated 19.11.2019, Police
Station Sadar Samana, District Patiala, under Sections 302, 34 IPC.

2. The FIR was lodged at the instance of Malkiat Singh, wherein it is alleged that his daughter Gagandeep Kaur was married to Jagtar Singh about three years back. It is alleged that on 19.11.2019 he received information from Taranjit Singh, who was mediator to the marriage, to the effect that Gagandeep Kaur had received an “attack”. Pursuant to receipt of said information the complainant informed the Sarpanch where he met Madan Singh Nambardar father of Sarpanch and while taking him along he went to the matrimonial home of his daughter Gagandeep Kaur, where Gagandeep Kaur’s dead body was found lying on a cot in the porch, which was covered with a cloth. When the complainant tried to take off the cloth from the dead body, he was stopped by his daughter’s mother-in-law but he being emotional took off the cloth and saw there were marks around the neck of complainant’s daughter and it appeared that Gagandeep Kaur had been strangled to death. The complainant suspected that his daughter had been killed by his son-in-law Jagtar Singh, mother-in-law Manjit Kaur and a cousin of his son-in-law namely Balkar Singh.
3. It is further the case of prosecution that petitioner-Jagtar Singh and co-accused Balkar Singh had confessed their guilt that they had murdered Gagandeep Kaur as she was maintaining illicit relations with a boy in their neighborhood. It is further the case of prosecution that the said accused had admitted that when Gagandeep did not refrain from maintaining relationship with the said boy, they had strangled her with *dupatta*.

4. Learned counsel for the petitioner has submitted that it is a case where the prosecution has come out with a case that the deceased had been murdered by the petitioner and co-accused as she was maintaining illicit relations and for which specific charges for offence under Section 302 IPC have been framed. Learned counsel while referring to the statement of the doctor i.e. PW-1 Dr. Sukhwinder Pal Singh, particularly the cross-examination, has submitted that it is a case of commission of suicide by the deceased and not a case of murder by strangulation and since in the instant case there is not even an iota of allegation regarding any demand of dowry, no presumption in respect of any dowry death can be drawn and as such it is clearly evident that it is not a case of murder, but is a case of suicide.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that the question as to whether it is a case of suicide or murder is a question which can only be decided during the course of trial at the stage of final hearing when the medical evidence would be examined in context of the other evidence that may be led by the prosecution and that it is too early and premature at this stage to express any opinion regarding cause of death. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 1 year and 10 months.
6. I have considered rival submissions addressed before this Court.

7. A perusal of the statement of the doctor would show that while he has stated that the cause of death is due to 'asphyxia' but he has not categorically stated as to whether the 'asphyxia' was on account of strangulation or hanging. During the course of cross-examination, he has admitted various suggestions put to him by the defence counsel pointing towards the symptoms of case of hanging. However, this Court would prefer not to express any definite opinion as regard the cause of death at this stage lest it be construed as any kind of expression on merits so as to prejudice the proceedings of the trial. In any case since the petitioner has already been behind bars for a substantial period of 1 year and 10 months and the co-accused has already been granted bail. The conclusion of trial is likely to take time as only one out of the cited 26 PWs has been examined. As such, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

27.9.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No