

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

**CRM No.M-27409 of 2021
Date of Decision: July 30, 2021**

Sarbjit Singh alias Sarba

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Sumeet Singh Brar, Advocate,
for the applicant-petitioner.

Mr.H.S.Sullar, DAG, Punjab
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

The petitioner has filed this second petition under Section 439 Cr.P.C. for seeking regular bail in case FIR No.0107 dated 06.08.2020 under Sections 304-B and 306 IPC, Police Station Raman, District Bathinda.

The aforesaid case was registered at the instance of complainant Jagseer Singh, who is brother of deceased Baljit Kaur. As per version of the complainant, his sister Baljit Kaur was married to Sarbjit Singh for the last four years and they had one son, namely Lovepreet Singh,

aged about 2½ years, from the wedlock. However, Sarbjit Singh started

harassing his sister, since the beginning and used to beat her. Regarding the same, Baljit Kaur had apprised the complainant as well as other family members. About one year ago, due to differences between them, the complainant brought his sister to village Burj Kahan Singh Wala, where Baljit Kaur resided for about two months. However, with the intervention of Panchayat of the village, the complainant and his mother had taken Baljit Kaur to village Sekhu, about eight months prior to the occurrence in question. However, complainant came to know that Sarbjit Singh had relations with a girl namely Mandeep Kaur d/o Nar Singh and even deceased Baljit Kaur had apprised the complainant about this relationship. On 05.08.2020, the complainant received information about Sarbjit Singh subjecting Baljit Kaur to beatings and thereafter, a phone call was received by the complainant from his elder sister, about intake of poison by Baljit Kaur. When the complainant along with family members had reached the in-laws place of Baljit kaur, they came to know about Baljit Kaur to have died. The complainant also asserted that his sister Baljit Kaur ended her life by taking poison, due to harassment and pressure by Sarbjit Singh and Mandeep Kaur.

It is now submitted by learned counsel for the petitioner that even though, the case has been registered against Sarbjit Singh @ Sarba under Sections 304-B and 306 IPC but necessary ingredients relating to the aforesaid two offences are not made out, in the version put forth by the prosecution. There are no allegations about maltreatment and harassment of deceased Baljit Kaur, on account of demand of dowry and also there is no evidence relating to the abetment for committing suicide. Also, it is

has been made for grant of regular bail to the petitioner.

On the other hand, learned State counsel has resisted the claim for bail. He submits that Baljit Kaur had died within seven years of her marriage and she had consumed poison, on account of harassment and torture faced by her at the hands of Sarbjit Singh and Mandeep Kaur. Also, it is submitted that challan has been presented and charge has been framed under Section 306 IPC only, but however, till date, no witness of the prosecution has been examined.

Be that as it may. However, it is debatable as to whether commission of offence under Section 304-B IPC is made out or not. In fact, it is pertinent to mention that even charge has been framed under Section 306 IPC only. Even though, charge has been framed on 16.12.2020 but till date, no witness of the prosecution has been examined. The petitioner is in custody since 18.08.2020. The trial is going on at snail's pace due to Covid situation. The petitioner, as such, cannot be detained in custody indefinitely.

Considering the aforesaid circumstances, without dilating further on merits of the case, this Court deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

July 30, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
No