

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21625 of 2020 (O&M)
Date of decision:05.02.2021

Navdeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Aashna Gill, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM No.26367 of 2020

Application is allowed. Deposition of PW-9 and PW-10 is taken on record as Annexure P-6.

CRM-M-21625 of 2020

The petitioner is seeking regular bail in case FIR No.144 dated 21.09.2018 registered under Sections 304-B and 34 of Indian Penal Code, 1860 (Section 302 IPC was added later on, on 05.01.2019 in the alternate) at Police Station Sadar Fazilka, District Fazilka.

Counsel appearing for the petitioner has argued that FIR has been registered by Bakshish Singh, father of the deceased, Gurpreet Kaur on the allegation that petitioner and other relations of the husband of the deceased harassed her, demanded dowry and strangled her to death. Counsel submits that four persons were named as accused, namely, (i) Narinder Singh, husband of the deceased, who has surrendered on 27.01.2021, (ii) Kamaljit Singh @ Kanwaljit Singh, father-in-law of the deceased, who has unfortunately expired, (iii) Roop Rani, mother-in-law of the deceased, who has been granted interim bail by this Court in CRM-M-49851 of 2018 on 21.01.2021 and (iv) Navdeep Singh, brother-in-law (*devar*) of the deceased i.e. present petitioner, who is 30 years of age and is in custody since 10.10.2018.

Counsel has argued that there is no direct allegation against the petitioner either in the FIR or in the testimony of the complainant, Bakshish Singh. She submits that all the allegations levelled against the petitioner are general in nature. The sole allegation against the petitioner in the FIR is that he could “possibly” be involved in the strangulation of the deceased alongwith other co-accused, who were staying under the same roof. Still further, counsel urges that the petitioner has been roped in, on the basis of his disclosure statement on the basis of which a *duppatta* was recovered. It has been argued by the counsel that the disclosure statement recorded in police custody is inadmissible in evidence. She has referred to the testimony of the Investigating Officer, PW-9, as well as another police official, PW-10 to point out the discrepancies and assert that the link evidence is missing. It

is her contention that recovered *dupatta* was never sent to the FSL. She further submits that no doubt, the trial is at the stage of defence evidence but since the husband of the deceased has surrendered, the prosecution is likely to submit a supplementary challan and the trial Court will start de-novo. It is her further submission that the petitioner has been in incarceration for the last 02 years 03 months and 06 days and deserve to be enlarged on bail.

Per contra, State counsel has opposed the petition upon instructions from ASI Malkiat Singh. He has referred to the status report filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Fazilka, District Fazilka to contend that as per the opinion of the Board of Doctors, the cause of death is asphyxia due to strangulation. Still further, he submits that since the trial is at the fag end, the petitioner cannot be granted the concession of bail at this stage. He has filed the custody certificate dated 20.01.2021 which is taken on record. A copy thereof, has been supplied to the counsel for the petitioner.

I have considered the rival submissions of the parties.

From the arguments raised by the counsel for the petitioner, as well as the material referred to by her during the course of arguments, the complicity of the petitioner in the crime is debatable.

Keeping in view the above facts and circumstances, period of incarceration, nature of allegations, the gravity of offence and the fact that trial is likely to take time, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(SUVIR SEHGAL)
JUDGE

February 05, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes