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

CRM-M-53943-2018

Date of Decision: 09.12.2021

Jasminder Singh @ Jass

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ramandeep Singh Gill, Advocate, for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

Mr. Ravi Malhotra, Advocate, for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed on behalf of the petitioner for regular bail under Section 439 Cr.P.C. in case FIR No.64, dated 13.07.2018, under Sections 302/498-A/120-B of the IPC, registered at Police Station Banur, District Patiala.

2. FIR in the present case was lodged by one Nachattar Singh, who happens to be brother-in-law of the present petitioner. The complainant's sister Sarabjit Kaur was married to the petitioner some fourteen years prior to lodging of the FIR. It was alleged therein that the petitioner had been harassing and maltreating his wife and was in illicit relationship with his own sister-in-law Dalbir Kaur w/o Gurmail Singh. The complainant's sister was opposed to such illicit relationship, on account of which, the petitioner allegedly used to beat her, and his other family members also used to harass her for not bringing sufficient dowry. On 11.07.2018, the petitioner is alleged to have beaten up the complainant's

sister Sarabjit Kaur under the influence of liquor. On the following day, he called his sister's brother-in-law Gurmail Singh, who informed him that his sister was being taken to the hospital at Sector-32, Chandigarh. The said Sarabjit Kaur, however, died on the way to the hospital and the complainant saw injury marks on her neck and alleged that she had died due to maltreatment given by her in-laws, including the petitioner.

3. Ld. Counsel for the petitioner has submitted that the petitioner is innocent and has already remained in custody for more than three years. On the other hand, Dalbir Kaur has already been granted bail.

4. After going through the available material on record, as also the Post Mortem Report of the deceased/victim, which has been tendered by Ld. Counsel for the petitioner on asking of the Court, it would appear that this is not a fit case for grant of bail to the petitioner, who happens to be the husband of deceased Sarabjit Kaur, at this stage. Marks of injury were found on her body in the Post Mortem Report and her death was found to have been caused by asphyxia and the injuries were "sufficient to cause death in ordinary course of nature". There were direct allegations against the petitioner in the FIR. He cannot be treated at par with co-accused Dalbir Kaur, who is a woman and certainly not in the same position as the petitioner, who is husband of the deceased/victim, who sustained those injuries while in her matrimonial house.

5. For the aforesaid reasons, finding no merit, the present bail petition is dismissed at this stage.

09.12.2021

Apurva

(SUDIP AHLUWALIA)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No