

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

1. CRM-M-31931-2020

Sukhvir Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-9119-2021

Jasvir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 16.03.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jagdeep S. Chahal, Advocate
for the petitioner in CRM-M-31931-2020.

Mr. Divay Sarup, Advocate
for the petitioner in CRM-M-9119-2021.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. M. S. Chauhan, Advocate for
Mr. R. S. Bains, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code
of Criminal Procedure for grant of regular bail to petitioners Sukhvir Singh

@ Sukha and Jasvir Kaur in case FIR No. 95 dated 07.08.2019, registered under Sections 306, 34 of the IPC at Police Station Nurpur Bedi, District Rupnagar.

The petition, filed on behalf of petitioner Sukhvir Singh @ Sukha, is the second petition as the first petition, bearing CRM-M-4505-2020, was dismissed as withdrawn on 28.07.2020.

Learned counsel, appearing for petitioner Sukhvir Singh @ Sukha, submits that the new ground for filing the present petition is that now the statement of the complainant has been recorded and the petitioner is in long judicial custody of about 01 year and 06 months.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of Lachman Dass, who has also appeared as PW-2, it is stated that marriage of his son, namely Rajinder Singh, who was working as a Taxi Driver, was performed with petitioner Jasvir Kaur seven years ago and a son, namely Harkirat Singh, aged about 05 years, was born.

Learned counsel further submit that later on, Jasvir Kaur eloped with petitioner Sukhvir Singh and after a period of two and a half month, she returned back but she did not want to live in her matrimonial home or join the company of her husband Rajinder Singh and she was even thrown out by the family of petitioner Jasvir Kaur after giving beatings and she was admitted in a hospital, where even an MLR was conducted.

It is further submitted that on that account, Rajinder Singh remained upset and he along with his son Harkirat Singh had consumed some poisonous substance and committed suicide.

Learned counsel for the petitioners have referred to the

statement of PW-2/complainant, which reads as under:

“.....My deceased son used to stay in Delhi. Accused Jasvir Kaur at that time used to stay in our house. Accused Jasvir Kaur ran away in April, 2019. When Jasvir Kaur left i did not know where she has gone. I did not lodge the report but when my son came after four days he lodged the report in the police regarding Jasvir Kaur. I went along with my son. My son reported to the police that Jasvir Kaur ran away with accused Sukhvir Singh @ Sukha. There is no witness, who can say that Jasvir Kaur ran away with accused Sukhvir Singh.

It is not heresay that Jasvir Kaur went to Maharashtra but she was brought back by Makhan Singh is brother of accused Sukhvir Singh. I myself did not go to Maharashtra. She was brought back in 7th month. The accused had purchased domestic articles there. I am not aware about the address of alleged stay in Maharashtra. The Panchayat and respectables gathered in Village Bahihara and I also reached there. I reached there at about 10.00 am. It was not decided in the gathering that I should provide one separate room for accused Jasvir Kaur. Nothing was decided in the gathering. After received of call I went to gathering but I was not invited. Accused Jasvir Kaur did not come back to out home from there. Accused Jasvir Kaur thereafter never came back to out house. Accused Sukhvir Singh @ Sukha was also there in the gathering. No writing took place there.

After the gathering I did not meet my daughter-in-law nor Sukha till death. My son after gathering returned back to his work in Delhi. My son kept on working in Delhi during that period. I did not recorded before the police that on 23.07.2019, accused came back to my house Ex.P1. I have not seen accused on

23.07.2019, I have seen her in the Court today.

It is correct that I have not mentioned the place in Ex.P1 and fourth month of 2019 and she was having affair with accused Sukha.

In my courtyard was full when IO came to my house. My son had come back from Delhi for about 20 days before his death. During those days he stay at home. The accused persons did not meet me or my son during that period. I did not know where at that time accused were residing. Accused Jasvir Kaur was beaten up by the family members of Sukha we saw it as our house is just near by. We had severed out ties with accused Jasvir Kaur. After the said gathering we had closed the chapter and severed out ties with accused Jasvir Kaur.

Accused Sukha along with his two brothers and parents reside in the village. We had no talking terms with them. When the police came the cause of death was not known to us. At that time we were not aware what they have consumed. My son himself cook the food and took dinner day before his death. My son was staying separately in that room where he died. We were separate in mess and he used not to give me any amount out of his earnings. He was owning any car. I am not sure where my son cooked dinner. I only saw him dead in the morning. I do not know what police had written but “sannu jalil kita gya hai”. I did not tell anything to the police but police of its own obtained my signatures on Ex.P1. Ex.P1 is not my statement, whatever the police saw, observed and gathered information recorded in Ex.P1. It was second marriage of my son.....”

Learned counsel for the petitioners have further argued that in fact there is no abetment on the part of the petitioners and even from a

perusal of the statement of PW-2, it is reflected that when a Panchayat was convened, deceased Rajinder Singh felt humiliated as it is stated that he was insulted before the police.

Learned counsel for the petitioner further submitted that the sequence of events given in the cross-examination of PW-2 as reproduced above after Jasvir Kaur left her matrimonial home, deceased Rajinder Singh had gone to Delhi for his work and came back after some time and stayed in the house of the complainant for about 20 days. It is further submitted that this witness has clearly admitted that in the intervening period, the family of complainant including his son Rajinder Singh or grandson Harkirat Singh never met Jasvir Kaur and, therefore, there was no occasion for any abetment on her part.

Learned counsel for the petitioners have lastly argued that the police has not investigated the case properly to find out whether Harkirat Singh, who was a minor child aged about 05 years, has committed suicide or he was murdered by his father Rajinder Singh and then he committed suicide, therefore, this will be a matter of trial to appreciate the entire evidence.

Learned State counsel, assisted by learned counsel for the complainant, could not dispute the factual position as well as the statement made by PW-2/complainant in his cross-examination.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties as well as the facts and circumstances of the case, the instant petitions are allowed.

Petitioners Sukhvir Singh @ Sukha and Jasvir Kaur are ordered to be

released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

16.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No