

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40361-2021

DATE OF DECISION: SEPTEMBER 30, 2021

MANDEEP KAUR & ANOTHER ...PETITIONERS

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MIKHAIL KAD, ADVOCATE FOR THE PETITIONERS.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.40 dated 11.3.2021, under Section 306, 34 IPC, Police Station City Sangrur, District Sangrur. The petitioners are in custody since their arrest on 11.3.2021.

The allegations as noticed by the Addl. Sessions Judge, Sangrur in the order dated 3.9.2021, reads as under:

“As per the prosecution version, FIR was got registered on the statement of complainant Sanjay Bansal, who alleged that they were two brothers. Tarlochan Kumar @ Bholu was his elder brother and they have separate in mess. Marriage of his brother Tarlochan was solemnized with Manisha Rani daughter of Inder Singh on 19.01.2021. After about 20 days of the marriage, Mandeep Kaur, mother in law of Tarlochan Kumar, came to the house of Tarlochan Kumar in order to meet her son-in-law and daughter and in the absence of Tarlochan Kumar, Manisha Rani wife of Tarlochan Kumar and her mother Mandeep Kaur in connivance

with each other had taken away gold jewellery and other necessary items from the house of Tarlochan Kumar brother of complainant. Tarlochan Kumar went to the house of his in-laws in order to take back his wife Manisha Rani, however, Manisha Rani (sister in-law of complainant), Mandeep Kaur (mother of Manisha Rani), Lovepreet Singh (brother of Manisha Rani) started scuffling with Tarlochan Kumar and they refused to hand over gold jewelery and necessary documents and they instead threatened Tarlochan Kumar for registration of a false case of rape upon him. On that day, Tarlochan Kumar returned being harassed from the family members of his in-laws. Then his brother Tarlochan Kumar disclosed entire version to his family members and panchayat of village Ravidasspura Tibbi. Thereafter, both the parties have filed applications against each other before Police Station, City Sunam. In connection with said applications, Tarlochan Kumar and his family members visited the police station and similarly from the side of accused persons Manisha Rani, her mother Mandeep Kaur, Lovepreet Singh (brother-in-law of Tarlochan Kumar, unknown lady i.e. maternal Aunt (Maasi) of Manisha Rani wife of Sukhwinder Singh and maternal uncle Sukhwinder Singh son of Jang Singh also came to Police Station. Thereafter, efforts were going on between the parties for compromise, but to no avail. These parties also appeared before Incharge, Women Cell, Sangrur and DSP, but nothing positive had come out.

On 10.03.2021 at about 06:30 PM complainant Sanjay Bansal got telephonic call from some unknown person that his brother Tarlochan Kumar was lying on the road side in front of house of Advocate Vikas Elisha son of Dr. Ashok Kumar and his condition was serious

and he was taking him to Civil Hospital, Sangrur. Complainant along with his mother Kanta Devi and Lakha Khan visited Civil Hospital, Sangrur. Complainant and others came to know that Tarlochan Kumar was being referred to Rajindra Hospital, Patiala. Complainant and his mother Kanta Devi accompanied Tarlochan Kumar in Ambulance to Rajindra Hospital, Patiala and Tarlochan Kumar was got admitted at Rajindra Hospital, Patiala, but during treatment he was declared dead in the night by the concerned doctor.

On the next morning, complainant had watched certain video clips on Whatsapp through his mobile, which were of his brother Tarlochan Kumar and in such clips Tarlochan Kumar was levelling allegations against above mentioned accused persons along with their Advocate Vikas Elisha for pressurizing Tarlochan Kumar to hand over amount of Rs.10,00,000/- and also for transferring his property in the name of accused person, for the sake of compromise inter se parties.”

Learned counsel for the petitioners has argued that victim Tarlochan Kumar got married to petitioner No.2 on 19.01.2021 and later, a matrimonial dispute arose between them. According to him, as the parties were mediating to make an attempt to arrive at a compromise, the victim ended his life and on the basis of a complaint given by Sanjay (brother of the victim), the petitioners were implicated alongwith others. Learned counsel has submits that the challan stands filed and the charges have also been framed. He further submits that the co-accused of the petitioner has already been released on regular bail by this Court vide order dated 27.7.2021 (Annexure P-3). He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI

Sukhwinder Singh on the ground that the victim had left behind a video clipping narrating his compelling circumstances to end his life. According to the learned State counsel, the accused persons were threatening the victim to implicate him in a rape case unless he pays ₹10 lakhs to them. However, it is not disputed that the co-accused of the petitioners has been released on regular bail and no prosecution witness has been examined during trial.

After hearing the learned counsel for the parties, this Court is of the opinion that though the charges have been framed, but no prosecution witness has been examined, therefore, the trial is likely to take considerable time to conclude. The material witnesses are either the close relatives of the victim or the police officials and there does not seem to be any possibility of their being won-over. The co-accused of the petitioners has already been released on regular bail, therefore, further detention of the petitioners behind the bars who are confined in judicial custody since 11.03.2021, would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

September 30, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No