

217.

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

CRM-M-35836-2020

Date of decision: 18.02.2021.

BAKSHISH SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, AAG, Punjab

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.15 dated 14.03.2019 registered under Sections 302/452 of IPC at Police Station Ghall Khurd, District Ferozepur.

The earlier petition filed by the petitioner i.e. **CRM-M-23657-2020** was dismissed as withdrawn vide order dated 25.08.2020.

Initially a case was registered under Sections 323, 324 IPC against one Nirmal Singh and Jhirmal Singh on the statement of the present petitioner on 07.03.2019, but later on, daughter of the petitioner, namely, Baljit Kaur made a statement that the present petitioner-accused, who is her father has committed the murder of her mother by giving her injuries with

ghotna. It is on the basis of the statement made by Baljit Kaur, the present petitioner was nominated as an accused.

Counsel for the petitioner has argued that petitioner is an old person of about 70 years of age and is in custody since 18.03.2020. He submits that daughter-in-law of the petitioner was having illicit relations with Basant Singh, who is son-in-law of the petitioner and on the fateful day, wife of the petitioner was alone in her house and she noticed her daughter-in-law and son-in-law in compromising position and in order to save themselves, they hit the deceased-Harbhajan Kaur on her head. The statement given by Baljit Kaur to the police during investigation is just to save her marriage. She made statement under influence of her husband Basant Singh. The petitioner is the complainant in the case and reported the matter to the police. He even taken the deceased to the hospital for treatment.

Learned State counsel submits that no doubt the petitioner is in custody since 18.03.2020, but he has committed the murder of his own wife and daughter of the petitioner has made a statement that the petitioner committed murder of her mother by giving her injuries with *ghotna*.

I have heard learned counsel for the parties.

Petitioner is in custody since 18.03.2020. It is on the basis of the statement of the daughter Baljit Kaur, the petitioner has been nominated in the case. Initially the FIR was registered at the behest of the present petitioner and as the petitioner has taken the deceased to the hospital, therefore, his conduct is relevant for the purpose of deciding the present regular bail.

Considering the fact that the petitioner who has taken the deceased to the hospital, his culpability is yet to be established during the course of trial. Therefore, considering the custody of the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

18.02.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.