

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

CRM-M-37238-2020

Date of decision: March 18, 2021

Raghubir Singh @ Nikka

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Ghuman, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Sushma Chopra, Advocate and
Mr. R.S. Joshi, Advocate for
Mr. G.S. Kaura, Advocate
for the complainant.
(through video conferencing).

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.44 dated 15.4.2020 under Sections 304, 120-B, 34 IPC, registered at Police Station Lambran, District Jalandhar Rural.

This is the second petition, the first one, i.e. CRM-M-15021-2020 was dismissed as withdrawn on 29.6.2020.

Counsel for the petitioner submits that the new ground for filing of the present petition is that the investigation is complete and the challan has been presented.

Brief facts of the case are that Jaswant Kaur-complainant registered the aforesaid FIR with the allegations that she is married to co-accused Taranjit Singh and is having two children from this wedlock. Taranjit Singh was having illicit relationship with Jaswinder Kaur, who is

sister-in-law (husband's brother's wife). The husband of Jaswinder Kaur was residing abroad and the complainant used to have a fight with her husband Taranjit Singh regarding illicit relationship with his sister-in-law.

It is further submitted that, later on, the complainant came to know that her husband is also having illicit relationship with one lady, namely, Paramjit Kaur @ Pammo and despite objection raised by the complainant, Taranjit Singh did not mend his ways. When the complainant told the entire incident to her parents, a Panchayat was convened on 15.4.2020 when a number of respectable persons, including deceased Nirmal Singh (father of the complainant) and other family members came to her matrimonial home. The family members tried to make Taranjit Singh understand not to have illicit relationship with other ladies but he was adamant to have relationship with his sister-in-law Jaswinder Kaur. In the meantime, Taranjit Singh made a phone call to other persons to come at the spot and the petitioner Raghubir Singh @ Nikka came there on the motorcycle. Thereafter, petitioner-Raghubir Singh @ Nikka caught hold of both arms of Nirmal Singh (father of the complainant) and her husband Taranjit Singh started giving fist blows on the chest and forehead of Nirmal Singh. Due to which, Nirmal Singh fell down on the ground and became unconscious. He was taken to the Civil Hospital for medical treatment, however, he was declared "brought dead". The cause of the death, as per the postmortem report is as under :-

"In my opinion the cause of death in this case is due to Intracranial Hemorrhage resulting from subdural and subarachnoid hemorrhage, which is sufficient to cause death in ordinary course of nature."

Counsel for the petitioner submits that the petitioner, who is not related to the complainant or her husband, had gone to the place of occurrence to attend the Panchayat and has been falsely implicated.

In reply, learned State counsel, assisted by counsel for the complainant, has opposed the prayer on the ground that the involvement of the petitioner and his presence at the spot is not disputed.

Counsel for the complainant submits that there are direct allegations against the petitioner that he has caught hold Nirmal Singh, whereas co-accused Taranjit Singh caused injuries which resulted into death of Nirmal Singh.

Counsel for the complainant has additionally argued that her in-laws and the parents of Taranjit Singh have also registered an FIR against the complainant under Sections 323/325 IPC to put pressure on her and, therefore, the accused side is using their influence and the statement of the complainant is yet to be recorded in the Court.

After hearing counsel for the parties and considering the serious allegations, I find no ground to grant the concession of regular bail to the petitioner.

Dismissed.

**(ARVIND SINGH SANGWAN)
JUDGE**

**March 18, 2021
satish**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No