

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

**CRM-M-43095-2021
Date of decision: 01.11.2021**

LASHKAR SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0512 dated 11.07.2019, registered under Sections 364-A, 365, 302, 201 and 120-B of the IPC at Police Station Assandh, Karnal, Haryana.

The earlier petition bearing No. CRM-M-23437-2020 was dismissed as withdrawn on 22.02.2021.

Learned counsel for the petitioner submits that as per allegations in the FIR registered at the instance of complainant-Jagtar Singh, it is stated that he has solemnized Court marriage with Komalpreet Kaur on 21.06.2019 and later on, a Panchayat was convened on 25.06.2019 in the village where the parents of the girl took her back on the pretext that they would solemnize the marriage as per the Sikh rites and ceremonies in the month of July, 2019. It is further submitted that though his wife was having a mobile phone but he could not talk to her as her mobile phone was switched off and he had a suspicion that the accused persons (seven in number), who are the brother, paternal uncles, maternal uncles and mother,

may have caused serious harm to his wife or might have killed her.

Learned counsel for the petitioner further submits that after registration of the FIR, the police conducted the investigation and found that Komalpreet Kaur had died and she was cremated. Later on, on the disclosure statement of Narender Singh and Lashkar Singh (both paternal uncles) the FIR was registered under Section 302 of the IPC that Komalpreet Kaur had been murdered.

Learned counsel for the petitioner further submits that the petitioner is also one of the paternal uncle and two of the similarly situated co-accused namely Narender Singh (paternal uncle) and Jasmer Singh @ Joban Singh (real brother of Komalpreet Kaur) have already been granted the concession of regular bail vide orders dated 10.08.2020 and 12.10.2020 passed in *CRM-M-20370-2020* and *CRM-M-25796-2020*, respectively.

Learned counsel for the petitioner further submits that now the statement of the complainant-husband of deceased Jagtar Singh has been recorded, wherein, after giving the details as mentioned in the FIR, he has stated that on 07.07.2019, he had gone to meet Komalpreet Kaur at her house and found that her condition was very serious and was not in a position to speak and then he along with the mother of Komalpreet Kaur and brother Jasmer Singh took her to Karnal for treatment and got her checkup from a doctor, who told that the condition of Komalpreet Kaur is serious and deteriorating and advised them to take her to PGI Chandigarh. When they started going to Chandigarh in a vehicle, she died because of illness. Then they contacted a local doctor at Ambala, where she was declared dead and then they came back and cremated the dead body. It is further stated that Komalpreet Kaur died because of the ailment of acute

jaundice and no one is responsible for her death. Then this witness was declared hostile by the Public Prosecutor and during his cross-examination, he was confronted with his statement under Section 161 Cr.P.C., however, he denied having ever made any such allegation against the petitioner.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last about 02 years and 03 months and is not involved in any other case.

Learned State counsel does not dispute the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that two of the similarly situated co-accused namely Narender Singh (paternal uncle) and Jasmer Singh @ Joban Singh (real brother of Komalpreet Kaur) have already been granted the concession of regular bail; the complainant has not supported the prosecution version and stated that Komalpreet Kaur had died a natural death, I find that there is no possibility of tampering with the prosecution evidence at this stage and considering that petitioner is in judicial custody for the last about 02 years and 03 months and is not involved in any other case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

01.11.2021
Chetan Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No