

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

CRM-M-39880-2020

Date of decision-15.02.2021

**Lovepreet Singh @ Lappi
Vs.**

....Petitioner

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anantdeep Singh Sandhu, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.112 dated 28.07.2019 registered under Sections 306 and 34 Indian Penal Code, 1860 (Sections 302 and 201 IPC added later on) at Police Station Baghapurana, District Moga. The petitioner is in custody since his arrest on 18.06.2020.

The FIR was registered on the statement of complainant-Baljinder Kaur and the allegations as noticed by the Sessions Judge, Moga in the order dated 03.11.2020 are as under:-

“The FIR was got registered by Baljinder Kaur to the effect that her elder daughter Harpreet Kaur was married with Jagtar Singh at Village Nathuwala about 6 years back and two children i.e. one daughter and one son were born from their wedlock. She alleged that her son-in-law Jagtar Singh and his mother Kulwant Kaur used to maltreat and beat her daughter. She alleged that the matter was compromised by the Village Panchayat but her son-in-law Jagtar Singh and his mother Kulwant Kaur did not mend their behavior due to which one month prior to the present occurrence, her

daughter along with her children came to her matrimonial home and started residing with her at Village Langiana. She further alleged that in the night of 27.07.2019, at about 12.00 p.m, she saw that her daughter was not in bed and she found a letter there. On the next day i.e. on 28.07.2019, she found that dead body of her daughter Harpreet Kaur was lying in the room of an abandoned hospital. She alleged that her daughter had committed suicide due to the harassment and maltreatment by her husband Jagtar Singh and mother-in-law Kulwant Kaur.”

Learned counsel for the petitioner has argued that initially the prosecution had registered the FIR for the offences punishable under Sections 306 and 34 IPC as the allegations made by complainant-Baljinder Kaur were directed against Kulwant Kaur and Jagtar Singh (mother-in-law and husband, respectively of the victim). He submits that through General Dairy No.105 dated 18.06.2020, the entire prosecution version changed and the petitioner was indicted as an accused for commission of an offence punishable under Section 302 IPC, which is founded on the alleged extra judicial confession suffered by him before the Sarpanch of the village. According to him, the prosecution case is based upon circumstantial evidence and the said evidence is comparatively weak in nature. He submits that investigation of the case is complete as the final report stands filed on 28.08.2020. He prays that the petitioner be released on bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Baleinderjit Singh has opposed the prayer on the ground that the petitioner took a revenge from the victim as she facilitated the elopement of his sister

and the mobile locations of the petitioner and the victim were found at the same place. However, it is not disputed that previously the case was registered against Kulwant Kaur and Jagtar Singh and later on the petitioner was made an accused. Learned State counsel on instructions further states that the final report stands filed on 28.08.2020, but charges are yet to be framed. He has further produced the custody certificate dated 13.02.2021 filed by way of affidavit of Harpreet Singh, PPS, Deputy Superintendent, Central Prison, Faridkot, which reveals that petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though investigation of the case is complete but the trial is yet to commence as even charges have not been framed so far, therefore, considering the custodial period of the petitioner, this Court finds it to be a fit case for grant of regular bail as the trial may consume considerable time to conclude. Presently, the petitioner is confined in judicial custody after his arrest on 18.06.2020, and his further detention may not be necessary for any useful purpose.

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

The petition is allowed.

15.02.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No