

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

CRM-M-41295-2020

Date of Decision: 25.02.2021

Kulwant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

2.

CRM-M-1256-2021

Tajinder Singh @ Bau

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. T.P.S. Teji, Advocate for the petitioners.
Mr. Bhupinder Beniwal, AAG, Punjab.
Mr. Sarbjit Singh, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail pending trial, in case FIR No.184 dated 19.07.2020, under Sections 302 and 34 of Indian Penal Code, 1860 registered at Police Station Division-B, Police Commissionerate, District Amritsar. The petitioners are in custody since their arrest on 27.07.2020.

The allegations contained in the FIR as noticed by the Sessions Judge, Amritsar in his order dated 05.10.2020, are as under:

“Ravinder Singh is the brother of Tajinder Singh, husband of deceased Balwinder Kaur@ Kulwinder Kaur. Balwinder Kaur@ Kulwinder Kaur was married with non-applicant Tajinder Singh about 9 years earlier to the occurrence. Petitioner Kulwant Singh is father-in-law of the deceased and they all were putting up in the same house. The deceased was being tortured by all the members of her in-laws family including the petitioners because of having failed to give birth to a male child. Ultimately they

started building one more house and raised a demand of Rs. 5 lacs, which could not be fulfilled by the parents of the deceased. On 21.04.2020, Balwinder Kaur @Kulwinder Kaur died and initially, only proceedingsx under Section 174 Cr.P.C were conducted by the police, on the ground that she committed suicide, but, subsequently after about three months, complainant Hardev Singh, who is father of the deceased, moved a that in fact, his daughter was killed by the petitioners and non-applicants Tajinder Singhand Kashmir Kaur.”

Learned counsel for the petitioners has argued that the incident took place on 21.04.2020, but the FIR was lodged after a long delay of two and half months on 19.07.2020. He submits that complainant (father of the deceased) suspected that his daughter Balwinder Kaur had died in suspicious circumstances, who pointed out the involvement of the husband of the victim and other relatives of the in-laws family in the alleged crime. According to him, victim ended her life by committing suicide, but prosecution has set up a case of homicide based upon disclosure statement of Kulwant Singh, who got recovered the *dupatta* of the victim used by him to strangle her. He further points out to the order dated 30.10.2020 (Annexure P-5) to contend that similarly situated co-accused was granted regular bail. He prays for bail.

The prayer is opposed by learned State counsel as well by the learned counsel for the complainant. Learned counsel for the complainant has relied up the statement of Kulwant Singh to contend that the offence is serious in nature and the petitioners had participated in the crime. According to him, the alleged offence was committed by accused as the victim could not deliver baby boy.

Learned State counsel on instructions from ASI Tarsem Singh states that charges in the case have been framed on 05.02.2021, but the

witnesses are yet to be examined.

After hearing the learned counsel for the parties and considering the above background this Court finds that the petitioners are in judicial custody after their arrest on 27.07.2020. The prosecution witnesses are either the close relatives of the victim or the police officials and there does not seem to be possibility of their being won over at this stage. In all there are nineteen prosecution witnesses, so it is evident that the trial is likely to consume long time to conclude, therefore, the further detention of petitioners 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 subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

February 25, 2021

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(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No