

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**
(214)

CRM-M-2419-2022
Date of decision:- 17.03.2022

Gurjit Singh alias Pinka

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Shubreet Kaur, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No. 0002 dated 05.01.2021, registered for offences under Sections 306 and 34 of the Indian Penal Code, 1860, at Police Station City Sangrur, District Sangrur, Annexure P-1.

FIR, Annexure P-1, has been registered on the statement of Dev Singh on the allegation that his daughter, Krishna Rani, was married to Gurjit Singh @ Pinka (present petitioner) about 30 years ago and two sons, namely, Gurpreet Singh @ Noni and Karamjit Singh @ Money, were born out of the wedlock. Both of them are working. About 3-4 years ago, Gurpreet Singh @ Noni got married to Anita Rani and they along with the petitioner started troubling Krishna Rani. They physically assaulted her and she came to her paternal home a number of times and confided in her family. Despite

the fact that the complainant advised his son-in-law to stop harassing her, but he did not desist. On 02.01.2021, Gurjit Singh @ Pinka made a telephonic call to a relative and told him that after an argument between family members, Krishna Rani has left for Patiala, her paternal home, by bus, and that he should pick her from the bus stand. However, she did not reach Patiala, a search was made and her body was recovered on 04.01.2021 from village Vail, Bhakra canal, Tehsil Samana.

Counsel for the petitioner has argued that the petitioner was married with the deceased for three decades and even after the marriage of their son, no complaint was ever given to the panchayat or police from which it can be inferred that there was friction amongst family members. She has placed reliance upon the final report submitted by the investigating agency to submit that it has been found that the petitioner was taking care of the handicapped relations of the deceased. A categorical assertion has been made by her that there is no incriminating material with the prosecution to come to the conclusion that the petitioner has instigated the deceased to commit suicide, the ingredients of Section 107, IPC are not satisfied and offence under Section 306, IPC is not made out. She submits that the 52 years old petitioner, who is in custody since 16.11.2021, is no longer required for custodial interrogation as investigation is complete, challan has been presented and despite summon issued by the Trial Court, the complainant did not appear in the witness box on the previous date.

Per contra, learned State counsel, who is assisted by Mr. Ramandeep, Advocate, counsel for the complainant, have opposed the petition. Custody Certificate dated 16.03.2022 has been filed by the State

and *Vakalatnama* on behalf of complainant has been filed by counsel for the complainant, which are taken on record. An argument has been raised that the deceased was being harassed by the petitioner, though no written or formal complaint was ever submitted. It has been submitted that despite the FIR having been registered on January, 2021, no action was taken and after the complainant approached this Court by filing petition (CRM-M-36575-2021), which was disposed of on 07.09.2021, the investigation was concluded and final report was submitted.

Having considered the submissions made by counsel for the parties, this Court is of view that the material collected by the prosecution would remain subject matter of debate before the Trial Court and the petitioner, who has a clean past and is in custody for the last almost four months, is entitled to be released on bail as the trial is likely to take time to conclude.

Petition is allowed.

Petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

17.03.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No