

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2159-2020 (O&M)

DATE OF DECISION: JANUARY 17, 2022

RANJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.P. DHIR, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-43532-2021

Application is allowed.

CRM-43533-2021

This is an application for placing on record documents
Annexures P-4 to P-7.

Application is allowed. Documents are taken on record.

CRM-339-2022

This is an application for placing on record statements,
Annexures P-8 to P-10.

Application is allowed. The documents are taken on record.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail pending trial in case FIR No.184 dated 8.7.2019, under
Section 302, 34 IPC, Police Station Sadar Dhuri, District Sangrur, who is in
custody since his arrest on 21.7.2019.

The allegations contained in the FIR as noticed by the Sessions Judge, Sangur in the order dated 4.1.2020, are as under:-

“Concisely, the facts of the case of prosecution are that on 08.07.2019, complainant Kala Singh son of Joginder Singh, resident of village Samundgarh Chhana made statement before Inspector Harvinder Singh, SHO of Police Station, Sadar Dhuri, to the effect that his elder sister Usha Rani, aged about 27 years, solemnized marriage with Lachhman Singh son of Jagar Singh, resident of village Bagrian about 14 years ago. Out of this wedlock, she has two sons namely Harman Singh, aged about 10 years and Shiv, aged about 08 years. However, 1½ years ago, Ranjit Singh alias Gurdita brought her (Usha Rani) forcibly to live with him at village Kheri Jattan. Said Ranjit Singh alias Gurdita was already married with Preeti Kaur, his (complainant’s) cousin. He is having two sons from his loins and womb of Preeti Kaur. However, Ranjit Singh alias Gurdita threw Preeti Kaur out of the matrimonial house. They even convened Panchayats to sensitize Ranjit Singh alias Gurdita, but he did not listen to them. They also used to bring back Usha Rani to their village Samundgarh Chhana with the intervention of Panchayat, but Ranjit Singh alias Gurdita used to take her back. He also used to beat her, regarding which, her sister apprised him from time to time. On 07.07.2019 at about 7:00 P.M., he came to know that Ranjit Singh alias Gurdita and his mother Debo Kaur were thrashing his sister. On 08.07.2019 at about 6:00 A.M., he along with respectables went to the house of aforesaid Ranjit Singh alias Gurdita. On arriving there, he saw that dead body of his sister Usha Rani was lying on a cot and aforesaid

Ranjit Singh alias Gurdita along with his mother Debo Kaur were making preparations to cremate the dead body, in a clandestine manner. For such purpose, they also brought stretcher and collected wooden sticks in the cremation ground. On this, he called his family members on the spot, but in the mean time, aforesaid duo managed to slip away from the spot. He was confirmed that his sister Usha Rani has been killed by Ranjit Singh alias Gurdita and her mother Debo Kaur, either by way of thrashing her or by administering some poisonous substance to her. Even, one Jasmail Singh alias Meli, cousin brother of Ranjit Singh alias Gurdita used to instigate both the above named persons to beat his sister. Accordingly, the complainant prayed for taking action against the aforesaid persons including those persons, who also connived with them to cremate the dead body of his sister.”

Learned counsel for the petitioner has argued that the complainant, namely, Kala Singh implicated the petitioner falsely and no injury on the person of deceased Usha Rana (sister of the complainant) was found and according to the Post Mortem Report, she died of poisonous substance. He submits that except for the evidence of the complainant Kala Singh, there is no other material evidence to connect the petitioner with the alleged crime and the version of complainant Kala Singh is hear-say in nature. He submits that admittedly the petitioner was married to cousin of complainant Kala Singh, namely, Preeti Kaur who left him, but had not divorced her husband and Usha Rani was residing with him willingly, without any divorce from her husband Lachhman Singh. Learned counsel has also pointed out that alongwith the petitioner, two more persons, namely,

Jasmal Singh @ Meli and Debo Kaur were implicated as accused, however, after investigation, they were found innocent. Learned counsel has pointed out that the material witness Kala Singh has already been examined, therefore, further custody of the petitioner may not be necessary. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Ranjit Singh on the ground that specific allegations have been made by the complainant against the petitioner. According to him, the victim had died in the house of the petitioner. However, it is not disputed by him that the prosecution has examined only five witnesses out of total fifteen witnesses, including complainant Kala Singh. He further submits that initially the mother of the petitioner was also named as an accused, and though after investigation she was found innocent, but during trial she was summoned under Section 319 Cr.P.C., who is on regular bail.

After hearing learned counsel for the parties, considering the above background, custody of the petitioner and the fact that material witness, i.e. the complainant has already been examined, this Court is of the opinion that the trial is likely to consume considerable time to conclude therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 21.7.2019. Further, the remaining witnesses are official witnesses and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 17, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

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