

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

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CRM M-4730 of 2022

Date of Decision: July 28, 2022

Nirmal Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Sukhmeet Singh, Advocate for
Mr. J.S. Moudgill, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This ^{1st} petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 111 dated 14.08.2021 under Section 302 and 34 IPC registered at Police Station Bareta District Mansa.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 26.08.2021 and there are 23 witnesses and out of the same 04 have been examined and the petitioner is not involved in any other case. It is submitted that in the present case there was no eye witness, with respect to the death of Harpreet Kaur, who was the wife of the brother of the petitioner. It is submitted that the petitioner's brother was married to said Harpreet Kaur in the year 2012 and for a period of more than 9 years there was no complaint made by her with respect to any maltreatment against him, much less

against the present petitioner. It is further submitted that as per the FIR the father of deceased Major Singh, as well as Sarpanch Raghbir Singh are stated to have gone to the house of the in-laws of the deceased after hearing the news about her death. It is stated that the said Major Singh has been examined as PW2 and he has specifically stated in his examination-in-chief that there was no matrimonial dispute between Harpreet Kaur deceased and her in-laws and they had never harassed her and that he had never suffered a statement as stated by the police. Even Raghbir Singh who is stated to be the Sarpanch of the village has been examined as PW1 who has also stated that he had never received any matter to resolve so as to show that there was any discord between Harpreet Kaur and her husband or his family members. It is further submitted that the petitioner had not been living with his brother (husband of the deceased) and had been residing separately from his brother and the deceased also had a separate kitchen and the petitioner was, in fact, residing with his mother and had nothing to do with the matrimonial issues between his brother and the deceased Harpreet Kaur. It is submitted that in fact, in the present case, the deceased has committed suicide and there is a suicide note (reference has been made to Annexure P-2) and the said document, although, was given to the Investigating Officer but was not taken into consideration.

Learned counsel for the State as well as counsel for the complainant has opposed the petition for regular bail and has submitted that in the present case it has been stated by the complainant that the present petitioner and his brother used to get angry at the deceased as she used to repeatedly ask the accused persons to get back the wife of the present petitioner who had left the matrimonial house and had gone to her house. It is submitted that there were marks of strangulation on her neck and the accused persons have tried to set up the present case as a case of suicide, by hanging a rope, which was stated to be hanging from the ceiling fan as per the FIR. It is submitted that the petitioner alongwith his brother has in fact killed the deceased.

This Court has learned counsel for the parties and perused the material on record.

The petitioner is in custody since 26.08.2021 and the challan has been presented and there are 23 witnesses, out of which only 04 have been examined and, thus, the trial of the case is likely to take a long time. The petitioner is stated to be not involved in any other case. The marriage between the brother of the petitioner and deceased Harpreet Kaur had taken place more than 09 years back and there was no complaint filed by the said Harpreet Kaur before any person/Authority with respect to any alleged maltreatment. PW2 Major Singh, who is the father of the deceased, has been examined

and he has specifically stated that the relationship between Harpreet Kaur and her husband and the other family members was cordial and there was no matrimonial dispute between them and that his daughter was not harassed by her in-laws and that he had not given any statement before the police. Even PW1 Raghbir Singh, who is the Sarpanch, who had also gone with Major Singh and the complainant to the house of the in-laws after learning about the death of the deceased, had also stated that he had never received any complaint to show that there was any discord between Harpreet Kaur and her husband or family members.

It is the case of the petitioner that the deceased has committed suicide and a reference has been made to the suicide note (Annexure P-2), whereas it is the case of the prosecution that it is the accused persons who have killed the deceased. There is no eye witness in the present case. It is also the case of the petitioner that he is residing separately from his brother and has a separate kitchen. Thus, there are debatable arguments from both the sides and same would be finally adjudicated during the course of the trial.

Keeping in view the above-said facts and circumstances, moreso, the custody period of the petitioner, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial

Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

July 28, 2022
amit rana

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No