

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.9431 of 2022
Date of decision:08.08.2022

Rajinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.145 dated 01.09.2021 registered under Sections 306 and 34 of IPC, 1860, at Police Station Sadar Tarn Taran, District Tarn Taran, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Daljit Kaur on the allegation that his daughter-Ramandeep Kaur was married to Rajinder Singh (present petitioner), since the last 10 years and had a son from the wedlock. It has been alleged that Rajinder Singh, his sister, Gurpreet Kaur and his mother Sarabjit Kaur, are greedy persons and had been making persistent

demands. Ramandeep Kaur had been physically assaulted. Rajinder Singh had an eye on her property. About a year ago, Gurpreet Kaur pushed Ramandeep Kaur from rooftop and she sustained injuries. On 31.08.2021, she received information from Rajinder Singh that her daughter had consumed *sulphas* tablets and was being taken to a hospital. On the same day, she received information that her daughter has expired.

Counsel for the petitioner contends that there is no material with the prosecution that the deceased was being ill-treated and no complaint was ever lodged by the deceased. He submits that despite repeated summons to the complainant, she is not appearing for the recording of her statement and by order dated 25.07.2022, the trial court has issuedailable warrants in her name. He asserts that the petitioner, who has clean antecedents, has been in custody since 02.12.2021 and deserves to be released on bail.

Per Contra, State counsel, upon instructions from ASI Baljinder Singh, has opposed the petition and has submitted that there are specific allegations against the petitioner, who has been *challaned* and charge against him has been framed although other two co-accused have been found innocent. As per his instructions, death is on account of poisoning. He submits that the prosecution has a list of 17 witnesses but none could be examined.

Having considered the submission made by counsel for the parties, nature of allegations levelled against the petitioner, the period of incarceration of more than 08 months and also the fact that the

complainant is not coming forward to record her testimony, this Court is *prima facie* of the view that the petitioner would be entitled to be released on bail.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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

08.08.2022

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(SUVIR SEHGAL)
JUDGE

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