

252

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.10766 of 2021 (O&M)
Date of Decision: 26.07.2022

AMRIK SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amrindra Pratap Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.0232 dated 26.07.2018, registered under Sections 302, 304-B, 34 IPC at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner submits that a run-away marriage was solemnized by the petitioner with the deceased (Manpreet Kaur) against the wishes of their parental families. After solemnization of marriage both filed CRM-M No.8402 of 2017 for grant of protection qua their lives and personal liberties being a newly wed couple. The said petition was disposed of vide order dated 14.03.2017 and the Sr. Superintendent of Police, Patiala was directed to consider the representation of the couple forthwith and take appropriate

action as was deemed fit in accordance with law and to ensure protection of lives and liberties of the newly wed couple.

The present FIR was registered at the instance of Jatinder Singh with the allegations that his sister Manpreet Kaur was married to the petitioner about 1½ years ago from the date of filing of complaint. She was being harassed by the petitioner and other family members. On 25.07.2018, when the petitioner returned from the market after taking medicine for the minor son, he found Manpreet Kaur to be dead in the bedroom. The complainant along with his relatives also reached to the village and found the dead body of his sister lying on the bed. There were marks of injuries on her neck and legs. The complainant brought the body of his sister to the Government Hospital, Rajpura. The allegations were made that the deceased Manpreet Kaur was strangled to death by the petitioner, father-in-law Mukhtiar Singh and mother-in-law Gurmail Kaur. The FIR came to be registered on these allegations.

Learned counsel for the petitioner submits that Mukhtiar Singh has already been granted regular bail vide order dated 03.09.2019 passed in CRM-M No.23753 of 2019. While granting regular bail to Mukhtiar Singh, the High Court has observed that the allegation of demand of dowry by the in-laws apparently appears to be far-fetched. No doubt, the deceased had died within one and half year of her marriage by an unnatural death,

but at the same time, bare perusal of the allegations would show that debatable issue arises in terms of culpable act under Section 306 IPC. The issue can be adjudicated during trial.

Learned counsel further submits that the couple was blessed with a minor son, who is now 4½ years of age. As per post mortem report, the saliva dribbling marks were found on the chest and clothes *prima facie* establishing the cause of death as Asphyxia due to hanging. As per medical jurisprudence in case of hanging there will be a dribbling of saliva out of the mouth down on chin and chest, whereas in case of strangulation, there will be no such dribbling of saliva.

Learned counsel on the basis of aforesaid feature further submits that it was suicide by hanging as the deceased was under depression on account of non-cooperation rendered by her family members due to her run-away marriage with the petitioner. Petitioner was arrested on 26.07.2018. Petitioner was granted interim bail by this Court on 01.04.2022 for about 21 days. Petitioner has surrendered before the jail authorities in time. Petitioner has undergone 3 years 11 months and 8 days of incarceration as on 25.07.2022.

Learned counsel further submits that the application filed under Section 311 Cr.P.C. for summoning of three more witnesses was allowed and out of three witnesses, two witnesses have already been examined. The application under

Section 319 Cr.P.C. filed by the complainant has been dismissed by the Addl. Sessions Judge, Patiala on 25.07.2022.

On the other hand, learned State counsel opposed the bail on the ground that all the prosecution witnesses have been examined. After acceptance of application under Section 311 Cr.P.C., two out of the three witnesses have already been examined and now trial is fixed for 29.08.2022.

Taking into consideration the totality of facts and circumstances of this case, particularly the period already undergone by the petitioner, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 26, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No