

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(108+210)

CRM-M-15419-2021(O&M)

Date of Decision: 17.03.2022

Harpal Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

Mr. S.S. Dinarpur, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-8816-2022

Application is allowed as prayed for.

Documents Annexures A-1 to A-7 are taken on record.

Main Petition

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.122 dated 26.12.2020 under sections 306 and 34 I.P.C registered at Police Station, Singh Bhagwantpur, District Rupnagar.

As per factual matrix, the FIR in question was lodged by Randhir Singh, who is the father of the deceased Rajinder Kaur. It was alleged that the marriage of her daughter was solemnized with Harpal Singh i.e. the present petitioner on 26.1.2014. It was further alleged that his

daughter gave birth to two daughters and on account of the same her in-laws were not happy and they started harassing his daughter. They taunted to the extent of calling the deceased 'Kulachni'. On 25.12.2020 the son-in-law of the complainant Harpal Singh made a phone call to the son of the complainant Avtar Singh that he had got admitted Rajinder Kaur for treatment at Max Hospital, Mohali, where during treatment she died. The complainant along with his family members reached Max Hospital, Mohali and came to know that his daughter had died due to poisoning. It was alleged that his daughter had committed suicide due to harassment caused by her in-laws i.e. Darshan Kaur, mother-in-law, Kuldeep Singh, father-in-law, Harpal Singh, husband and Devar Parminder Singh. The FIR was lodged to take legal action against the culprits.

Petitioner being the husband of the deceased was arrested on 27.1.2021. He approached learned Addl. Sessions Judge, Rupnagar for grant of bail, however, after hearing the parties, the same was declined vide order dated 19.2.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present FIR only being the husband of the deceased. It is submitted that a perusal of the allegations in the FIR would reveal that the allegations are primarily against the family members of the petitioner and not against him. Counsel submits that the family members of the deceased were duly informed and they reached Max Hospital, Mohali. The police wanted to record their statements, however, they did not agree for the same on the premise that they would give statements on the next date and hence the present FIR was lodged on

26.12.2020, whereas the occurrence took place on 25.12.2020. It is submitted that the FIR was lodged after due deliberations to give a colorful version to the same. Counsel submits that the deceased was blessed with a second daughter in the year 2017, whereas the suicide was committed in the year 2020. The same would negate the allegations of causing harassment to the deceased on account of giving birth to the daughters. Counsel submits that in view of the statutory provisions under Section 306 I.P.C read with Section 107 I.P.C and from the facts and circumstances of the case, no case of instigation to commit suicide is made out against the petitioner. Counsel submits that in all there are 4 accused named in the present FIR and rest of the 3 co-accused are already on bail, whereas the petitioner is behind bars since 27.1.2021. Counsel submits that investigation in the case is already complete and charges have been framed. The case is fixed for prosecution evidence before the Trial Court. It is further submitted that petitioner has never been involved in any other case and there cannot be any apprehension on the part of the petitioner for tampering with the evidence. Counsel submits that in the overall facts and circumstances of the case petitioner deserves to be enlarged on bail.

Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner tooth and nail and submits that there are specific allegations of causing harassment to the deceased on account of birth of two girl child which ultimately instigated the deceased to commit suicide. Counsel submits that the investigating agency has also not conducted the investigation in an impartial manner and thus no case for grant of bail to the petitioner is made out.

On the other hand, learned State counsel has submitted that the petitioner is the husband of the deceased and there were specific allegations against the petitioner and his family members. However, after completion of investigation the case is now fixed for recording prosecution evidence. It is also submitted that in all there are 19 prosecution witnesses out of which the complainant has been examined. State counsel further submits that in all there are 4 accused and rest of the 3 accused are already on bail.

I have heard learned counsel for the parties at length and have gone through the record carefully.

Admittedly, petitioner is the husband of deceased and he is behind bars since 27.1.2021. In all there are 4 accused and rest of the 3 co-accused are already on bail. The marriage in question took place in the year 2014, whereas the alleged occurrence took place in the year 2020. This court would refrain itself from commenting on the merits of the case, as the veracity of the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The material witness already stands examined. Whether a case under Section 306 I.P.C is made out against the petitioner or not would be evaluated by the Trial Court after conclusion of the trial. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

17.03.2022

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No