

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-16172-2021 (O&M)

Date of Decision:- 30.8.2022

Saroop Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek K. Thakur, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Shankar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 0193, dated 06.7.2020, Police Station Sultanpur Lodhi, District Kapurthala, under Sections 302, 328, 34 and 203 IPC.
2. The matter pertains to death of Amanjot Kaur who died on 26.6.2020 at 11 pm, in respect of which proceedings under Section 174 Cr.P.C. were conducted. Upon post mortem, the death was opined to be as a result of asphyxia due to smothering.
3. Subsequently, after about 10 days the maternal uncle of the deceased lodged the instant FIR wherein it has been alleged that his sister Rajbir Kaur had been married to Saroop Singh (petitioner) and three

children including deceased Amanjot Kaur were born out of the said marriage. However, Rajbir Kaur died about 3 years back and subsequently Saroop Singh remarried within 6 months of death of his earlier wife i.e. complainant's sister. The second wife already had one son namely Gurnoor Singh aged 15 years. The complainant alleged that said Gurnoor Singh used to tease complainant's nephew and niece i.e. the son and daughter of complainant's sister Rajbir Kaur. It is alleged that on 26.6.2020 at about 11 pm when he was returning home and passing in front of house of his brother-in-law Saroop Singh, he thought that he should pay a visit. When he entered the house of his brother-in-law, he heard noises coming from the house and saw that his niece Amanjot Kaur was lying on the floor. Amandeep Kaur sister-in-law of Mandeep Kaur (second wife of petitioner) along with Mandeep Kaur were pressing a pillow against the mouth of his niece Amanjot Kaur while Amanjot Kaur's legs were held by Saroop Singh. When the complainant raised alarm, aforesaid three persons took complainant's niece to an adjacent room. The complainant has alleged that he could also smell some odour of some poisonous substance. Saroop Singh started apologizing to the complainant and stated that he will not let Amanjot Kaur die, but Amanjot Kaur could not survive. The complainant has stated that being in a shock, he could not immediately report the matter to the police.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case at the instance of brother of his

first wife who was aggrieved on account of the fact that the petitioner had remarried within 6 months of death of his earlier wife. Learned counsel has further submitted that in fact it is a case where the son of second wife and his cousin namely Gurnoor Singh and Gagandeep had killed his daughter as they had been having forcible sexual relations with her and when she protested that she would make a complaint against them, she was done to death. Learned counsel has submitted that although he had been telling the police about the said fact right from day one, but nobody believed him but now upon receipt of report of the chemical examiner which indicates presence of spermatozoa on the vaginal swabs of the deceased, the son of petitioner's second wife i.e. Gurnoor Singh and his cousin Gagandeep have been arrayed as accused and which fully substantiates the stand of the petitioner that he had not murdered his real daughter, but it is his step-son and step-son's cousin who had done her to death as they had been having forcible sexual relations with his daughter.

5. On the other hand, learned State counsel has submitted that since there are specific and categoric allegations levelled against the petitioner in the FIR, the complicity of the petitioner is clearly evident. It has been submitted that even if it is taken into account that complainant's step son and step son's cousin had sexual relations with her, still the story as put forth in the FIR cannot be negated. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 2 years and 1 month and that as

on date 3 out of the cited 24 PWs have been examined, though, after arraying of Gurnoor Singh and Gagandeep as accused the trial would have to commence afresh in case charges are framed against them as well. It has also been informed that the petitioner is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. In the present case there is a delay of about 10 days in lodging the FIR. Though in the FIR the complainant has levelled specific and categoric allegations against the petitioner, but with the receipt of report of the chemical examiner indicating presence of spermatozoa in the vaginal swabs of the deceased the case has taken a new turn. Further, there also being some reference in the FIR itself against the complainant's step son to the effect that he had been teasing the deceased, the veracity of the allegations against the petitioner are rendered debatable. The petitioner otherwise has been behind bars for a substantial period of 2 years and 1 month. Conclusion of trial is likely to consume time. In these circumstances, further detention of petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.8.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No