

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

Criminal Misc. No.M-17153 of 2022(O&M)

Date of Decision: May 09, 2022

Sukhdev Singh @ Sukha and another

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Vinay Puri, Advocate
for the petitioners.

Mr.B.S.Sewak, Addl.AG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioners have filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.118 dated 16.10.2019 under Sections 302/34 IPC, Police Station Lohian, Jalandhar Rural, District Jalandhar.

The petitioners were not challaned by the Police and they have been summoned by the Ld.Trial Court under Section 319 CrPC.

The FIR was registered on the statement of Satpal Singh, who stated that his sister Kamaljit Kaur (since deceased) was married to Manjit Singh @ Happy (brother of petitioner No.1 and son of petitioner No.2) about nine years ago. Marital relations between Kamaljit Kaur and Manjit Singh were not cordial for the last few years, because of which she frequently used to visit her parental home. She was being maltreated in her matrimonial

home. She along with her minor children came to her parental home to reside with her brother (complainant). On 08.10.2019, Swaran Kaur – petitioner No.2 and her husband took Kamaljit Kaur and her minor children to their home on the assurance that she will not be maltreated and harassed in the matrimonial home. On 15.10.2019, Kamaljit Kaur informed the complainant that she was given beatings by her husband and the petitioners. Immediately, the complainant and his mother reached the matrimonial home of Kamaljit Kaur and saw that she had been given beatings. They stayed there for night. On the next morning at 6.30 A.M., they again heard shrieks of Kamaljit Kaur. They went there and found that Manjit Singh was giving beatings to her and the petitioners were provoking him to kill her. Petitioner No.1 gave fist blows while petitioner No.2 had caught her hair. Manjit Singh brought a knife from kitchen and caused injuries to the sister of the complainant. On taking to hospital, she was declared 'brought dead'.

The Police arrested Manjit Singh, but found both the petitioners innocent. During trial, the prosecution moved an application under Section 319 CrPC, wherein, the petitioners have been summoned to face trial. Hence, this petition.

Ld. counsel for the petitioners submits that the petitioners have no concern with the alleged crime. It was result of matrimonial discord between the deceased and her husband, which went to the unfortunate extent of commission of crime. Rather, the petitioners tried their level best to save the matrimonial ties of Manjit Singh and Kamaljit Kaur. Petitioner No.2 even went to the parental house of the deceased to bring her back for resolution of the dispute. The complainant has made false statement to put

pressure on the entire family. The petitioners are ready to appear before the Trial Court and face trial.

Considering the totality of facts and circumstances, particularly, that the petitioners have been found innocent by the Police during investigation and there is nothing on record to suggest that the petitioners would abscond, without commenting on merits of the matter, it is directed that the petitioners shall appear before the Ld.Trial Court/Duty Magistrate concerned on or before 30.05.2022, which shall admit them to bail.

Petition is disposed of accordingly.

May 09, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No