

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

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**CRM No. 42611 of 2021 in/and
CRM-M No. 29990 of 2021
Date of decision : 28.4.2022**

Simarjit Singh

.....Petitioner

Vs.

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present : Mr. Harsh Goyal, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

RAJESH BHARDWAJ, J. (Oral)

CRM No. 42611 of 2021:

This is an application for placing on record documents i.e. Copies of evidence led by the complainant before the Lower Court during the trial, in compliance of order dated 15.11.2021 passed by this Court.

For the reasons mentioned in the application, the same is allowed. documents i.e. Copies of evidence led by the complainant before the Lower Court during the trial is taken on record.

Main Case:

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.40, dated 13.3.2021, under Sections 306 IPC, registered at Police Station Sadar Dhuri.

Learned counsel for the petitioner has contended that the marriage between the petitioner and Sarbjit Kaur (deceased) took place 13 years ago and there was no dispute as alleged by the complainant in this FIR. He submits that

the couple is blessed with three children and there had never been any dispute between the husband and wife. However, this unfortunate incident has taken place on which the petitioner simply being the husband of the deceased, cannot be held responsible. He has submitted that ingredients of Section 107 IPC are not fulfilled. However, simply by alleging the general allegations, the offence under Section 306 IPC is not made out. He submits that the trial Court is recording the statements of the prosecution witnesses. The prosecution has cited Balwinder Singh as PW-3 and Narender Singh as PW-4 in support of the allegations of the prosecution that due to the dispute between the husband and wife, panchayats were convened. However, during their examination by the trial Court, both these witnesses i.e. PW-3 and PW-4 have not supported the case of the prosecution and they were declared hostile. He has submitted that the allegations of the complainant regarding convening of the panchayats for resolving of the dispute is proved to be false. He further submits that the brother and father of the deceased have also been examined by the trial Court. He has submitted that the material witnesses already stand examined and hence, the prosecution cannot allege that on granting bail, the petitioner is in a position to tamper with the prosecution evidence. He submits that there are three minor children of the petitioner, who have virtually become orphan after the unfortunate incident. He submits that the petitioner has never been involved in any other criminal case and deserves to be granted bail.

Learned State counsel has opposed the submissions of the counsel for the petitioner. She has argued that the relationship between the petitioner and the deceased is not in dispute and the allegations against the petitioner are specific that due to the persistent harassment caused to the deceased, she has

committed suicide. She submits that the complainant and the father of the deceased have been examined and duly supported the case of the prosecution. She acknowledges that two of the witnesses, who were the member of the panchayat, have not supported the case of the prosecution. She submits that 20 prosecution witnesses have already stand examined.

Heard.

The petitioner is behind bars since 14.3.2021. Out of 13 prosecution witnesses, 4 material witnesses already stand examined. Though the complainant and the father of the deceased have supported the case of the prosecution, however, two members of the panchayat have not supported the case and declared hostile on the request of Public Prosecutor.

There is nothing on record showing that the petitioner has any criminal antecedent. The veracity of these allegations would be evaluated by the trial Court only after the conclusion of the trial. However, this Court would refrain itself from commenting on the merits of the case. In the overall facts and circumstances of the case, this Court finds that learned counsel for the petitioner succeeds in making out the case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

**(RAJESH BHARDWAJ)
JUDGE**

28.4.2022

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No