

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

CRM-M-28814-2022

Date of decision : 31.08.2022

Bageech Singh @ Begich Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Pritpal Singh Miglani, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.134 dated 14.05.2021, registered under Sections 306, 34 of IPC at Police Station Sadar Fazilka.

As per the facts of the case, the complaint was lodged by Desa Singh son of Inder Singh. It was alleged that he married his younger daughter Rajinder Kaur, aged about 26 years with Sukhdev Singh son of Kala Singh. However, due to the matrimonial discord, the divorce took place between his daughter and Sukhdev Singh. Thereafter, he performed the second marriage of his daughter with Kuldeep Singh son of Didar Singh who is the brother of the petitioner. The relationship between his daughter and Kuldeep Singh remained cordial for about 7-8 months. Thereafter, the husband and the in-laws of his daughter started harassing her. It was alleged that due to the household affairs, husband of his daughter and Jeth Bageech Singh used to harass his daughter. When his daughter told him about this fact, the matter was reconciled with the intervention of relatives. However, on 14.05.2021, he got a phone call

that his daughter Rajinder Kaur had died by consuming some spray. They reached the matrimonial home of his daughter and found the dead body of his daughter. The complaint was made and to take legal action against Kuldeep Singh (husband) and Bageech Singh (jeth). On the basis of the same, FIR was registered and investigation commenced. The petitioner was arrested on 04.12.2021. He approached the Court of learned Sessions Judge, Fazilka praying for grant of bail. However, after hearing both the sides, learned Sessions Judge declined the same vide her order dated 17th May, 2022. Aggrieved by the same, the petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case. He submits that the petitioner is the elder brother of Kuldeep Singh and was living separately from Kuldeep Singh and the deceased. He has submitted that he had no concern with the matrimonial affairs of his brother. However, he has been implicated in this case by the complainant only in order to rope in maximum number of family members of the in-laws of his daughter. He has submitted that during investigation, in the inquiry conducted by the Superintendent of Police (Headquarter), Fazilka, it was recommended that the petitioner-Bageech Singh @ Begich Singh be declared innocent and after deleting Section 34 IPC, the investigation against accused Kuldeep Singh be completed. He submits that despite this, the police did not conduct fair investigation and the petitioner was illegally challaned. He submits that from the reading of the allegations in the FIR, offence under Section 306 read with Section 107 IPC is not made out against the petitioner and on the basis of the same, there was no instigation by

the petitioner urging Rajinder Kaur to commit suicide. He submits that the investigation in this case is already complete and thus, incarceration of the petitioner is not warranted.

Learned State counsel, on the other hand, has submitted that the petitioner is the brother-in-law i.e. Jeth of the deceased and there are allegations of harassment caused by the husband and the petitioner to the deceased. He has submitted that investigation in this case is already complete, challan is filed and the charges are also framed. He has further submitted that petitioner is also facing trial in two other cases, however, he is on bail in said cases. He has submitted that out of 20 prosecution witnesses, no one is examined till date.

I have heard counsel for the parties and perused the record.

Petitioner is the brother-in-law of the deceased. The FIR was lodged by father of the deceased and it was alleged that husband of the deceased and the petitioner used to harass the deceased. As submitted before this Court, the petitioner is a married person and living separately from his brother Kuldeep Singh. The investigation is complete and the charges are framed. Whether in the facts and circumstances of the case, offence under Section 306 IPC is made out or not is totally lie in the domain of the trial Court to be assessed after the conclusion of the trial. However, this Court would refrain itself from commenting anything on the merits of the case.

The trial would take sufficiently long time in its conclusion. However, keeping in view the overall facts and circumstances, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present

petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

31.08.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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