

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

CRM-M-33188-2021

Date of Decision: 24.3.2022

Jagtar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gopal Singh Nahel, Advocate, for the petitioner.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

This is the 3rd petition filed by the petitioner for grant of regular bail in a case FIR No.194 dated 3.11.2019, registered under Sections 306, 201, 34 IPC and Section 302 IPC added lateron, at Police Station Sadar Sangrur, District Sangrur.

As per factual matrix of the case, the FIR in question was lodged by Bant Singh son of Pritam Singh, father of the deceased. Broad facts of the FIR are that Amandeep Kaur @ Jaspreet Kaur daughter of the complainant married to Jagtar Singh i.e. the petitioner as per Sikh rites and rituals about 10-12 years ago. After about 4-5 years of marriage, his son-in-law went abroad. On his return, he started harassing his daughter. His daughter Amandeep Kaur @ Jaspreet Kaur many times complained to her father regarding the harassment caused by the petitioner and his parents. On 2.11.2019 at about 5:00 p.m. his son-in-law Jagtar Singh i.e. the petitioner informed telephonically that Amandeep Kaur is seriously ill. On hearing the same, his son-in-law Gurdip Singh and his wife Binder Kaur went to village Rupaheri. They found dead body of Amandeep Kaur kept in compound of their house and her tongue was protruding from her mouth. There were

signs on her neck. Despite their reluctance, cremation of their daughter was performed by her in-laws in the night time only. Later on the complainant informed the same to some prominent persons of his village and thus, suspecting a foul play, the present FIR was lodged with request to take legal action against the culprits. FIR for the offences under Sections 306, 201 and 34 IPC was registered. On the commencement of the investigation, supplementary statement of the complainant was recorded after about two months on 1.1.2020, wherein it was stated by the complainant that his daughter Amandeep Kaur @ Jaspreet Kaur did not end her life by suicide on 2.11.2019 rather she was strangled by her in-laws and thus, she was murdered. As a result, offence under Section 302 IPC was also added in the FIR. The petitioner was arrested on 3.11.2019. He approached the learned Additional Sessions Judge, Sangrur for grant of bail, who after hearing the parties, declined the same vide its order dated 13.3.2020. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail.

Learned counsel for the petitioner submits that admittedly, the petitioner is the husband of the deceased. The marriage in question took place 10-12 years before the occurrence and there was no dispute between the husband and wife as alleged. He submits that harassment as alleged is also without any rhyme and reason. He has submitted that the deceased though committed suicide in the matrimonial home, however, soon thereafter, her parents i.e. the complainant side was duly informed as evident from the allegations in the FIR itself and they were very much present at the time of cremation of the deceased. However, he submits that as the family members of the deceased were totally satisfied that the

unfortunate incident is without any foul play on the part of the petitioner so his in-laws duly consented for the cremation of the deceased. However, subsequently after due deliberation the present FIR was lodged. He submits that the postmortem of the deceased was not conducted as the family members of the deceased did not suspect anything foul. He further submits that as evident from the record of the case the supplementary statement of the complainant was recorded after about two months only in order to add more grievous offence under Section 302 IPC. He has submitted that in all there are three accused i.e. the petitioner and his parents, however, his parents have already been granted anticipatory bail. He further submits that the material witnesses in the trial have already been examined and hence there cannot be any apprehension attributed to the petitioner for tampering with the evidence before the trial Court. He submits that the petitioner is behind bars since 3.11.2019 and hence, he deserves to be enlarged on bail.

On the other hand, learned State counsel on instructions from ASI Taranjit Singh, opposes the submissions made by learned counsel for the petitioner and submits that the deceased was cremated without conducting postmortem, which would show the complicity of the petitioner in concealing the real cause of death of the deceased. He also submits that as the death took place in the matrimonial home, the petitioner being husband of the deceased does not deserve the concession of bail.

I have heard learned counsel for the parties and perused the material on record.

The marriage in question took place admittedly 10-12 years before the occurrence. As per the record of the case, the cremation was done in the presence of the family members of the deceased. The petitioner is

behind bars since 3.11.2019 and his parents are already on bail as submitted by learned State counsel. Out of total 14 prosecution witnesses, 6 witnesses including the material witnesses already stand examined. The Court would refrain itself from commenting anything on the merits of the case, however, in the overwhelming facts and circumstances, the Court is convinced that learned counsel for the petitioner has been able to make out a 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.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

24.3.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No