

CRR-1509-2022

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

CRR-1509-2022

Date of decision: 22.07.2022

Joga Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arnav Sood, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present revision is to the order dated 07.07.2022 passed by learned Sessions Judge, Hoshiarpur, whereby respondents No.2 to 5 have been released on anticipatory bail in case bearing FIR No.98 dated 28.06.2022, registered at Police Station Bullowal, District Hoshiarpur, under Section 306 IPC.

Learned counsel for the petitioner contends that marriage of Jasvir Singh (since deceased), son of the petitioner, was solemnized with one Meena Devi-daughter of respondent No.2, on 02.01.2022; that initially, the petitioner-father of the deceased got the above-noted FIR registered under Sections 279 and 304-A IPC against some unknown person, as he was under the impression that the his son had died in a road accident; that the offence under Section 306 IPC has been added on the basis of some audio recording, sent by the deceased to his brother-Kulwant Singh, holding respondents No.2 to 5 responsible for his death, and the petitioner had also got his supplementary statement recorded in this regard, and that vide DDR No.27 dated 28.06.2022, Sections 279 and 304-A IPC were

CRR-1509-2022

deleted and Section 306 IPC was added to the present case.

Learned counsel for the petitioner contends that respondents No.2 and 3 are father-in-law and mother-in-law of the deceased whereas respondent No.4 is his sister-in-law and respondent No.5 is her husband. Learned counsel further contends that while granting anticipatory bail to respondents No.2 to 5, the audio recording (Annexure P-3) sent by the deceased to his brother-Kulwinder Singh through whatsapp, had not been taken into consideration. The transcript of the alleged recording would read as under:

“That my father-in-law Sant Ram, his daughter Meena Devi, his daughter Seema, her husband Rinku, my bhua Debo, her husband Chhinda my fufad, Depa, their daughter Geeta, her husband Gurpreet are responsible for my death. I am committing suicide due to harassment meted out by them.”

I have heard the learned counsel for the petitioner.

The marriage of Jasvir Singh (since deceased) was solemnized with Meena Devi-daughter of respondent No.2, on 02.01.2022. Jasvir Singh allegedly committed suicide, on 27.06.2022, at the outskirts of his village whereas respondents No.2 and 3 are residing in their own village and respondent No.4 is residing in her matrimonial home alongwith her husband-respondent No.5. Even the alleged audio recording does not specify the inducement on the part of respondents No.2 to 5 or any pressure made by them on the person of Jasvir Singh.

It is the case of the petitioner that the trial Court has not considered the alleged audio recording sent by the deceased to his brother, which has resulted in miscarriage of justice. However, this Court finds that

CRR-1509-2022

learned Sessions Judge, while passing the impugned order, has taken note of all the attending circumstances. Learned Sessions Judge, while passing the impugned order, has noticed that even as per the version of FIR, both the parties had agreed to take divorce and the compromise had been signed by the family of Meena Devi on the one hand and the family of Jasvir Singh on the other hand. This Court finds that learned Sessions Judge has not omitted to consider relevant materials. Learned Sessions Judge has satisfied as to the existence of a prima facie case for grant of bail in favour of respondents No.2 to 5. No illegality has been committed by the learned Sessions Judge while passing the impugned order.

It is not the case of the petitioner that respondents No.2 to 5 may flee away and securing their presence would be difficult during trial. It is settled law that bail granted to an accused, can be cancelled, if he or she attempts to evade the due course of justice or misuses the concession granted to him/her.

In the present case, there is no supervening circumstances made out warranting this Court to cancel the bail granted to respondents No.2 to 5.

Therefore, finding no merit in the present petition, the same is dismissed.

Nothing observed hereinabove shall be constructed as an expression of opinion on the merits of the case.

22.07.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No