

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-46297-2022

Date of decision: - 14.10.2022

Baljit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dhirinder Chopra, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.130 dated 10.11.2020, registered under Sections 302 and 201 IPC, at Police Station Sanaur, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 11.11.2020 and there are 21 witnesses, out of whom, three witnesses have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in the present case and the petitioner was implicated by the complainant Paramjit Kaur on the basis of suspicion. It is also submitted that as per the allegation in the FIR, the complainant used to repeatedly ask the petitioner as to where her daughter Ramandeep Kaur was, to which the petitioner had replied that she had ran away to some place and thereafter, the complainant repeatedly asked the petitioner about her

whereabouts then petitioner had stated that he had eliminated her. It is stated that the primary basis of registration of FIR by the complainant was that the petitioner himself had stated the fact that he had eliminated Ramandeep Kaur. It is argued that there is no eye witness in the present case and the complainant Paramjit Kaur, who had appeared as PW1, had specifically stated that the deceased and the present petitioner were living happily and that the present petitioner never committed the murder of Ramandeep Kaur and thus, was declared hostile. It is further stated that even PW2 Prithvi Singh has been declared hostile and he had specifically stated in his evidence that the deceased and the present petitioner were happily living together. It is argued that the said two witnesses are the material witnesses in the present case. It is also argued that even as per the post-mortem report, it has been said that cause of death cannot be ascertained in the case and till date there is no opinion of the doctor with respect to the cause of death of the deceased.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the present petitioner is the husband of deceased Ramandeep Kaur and as per the complaint given by the complainant Paramjit Kaur, who is the mother of the deceased Ramandeep Kaur, it has been stated that there is a dispute between the deceased and the present petitioner and that the present petitioner himself told the said complainant Paramjit Kaur that he had eliminated deceased Ramandeep Kaur.

Learned counsel for the petitioner in rebuttal has submitted that there is no complaint given by Ramandeep Kaur during her life time

that the petitioner had ever maltreated her.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 11.11.2020 and there are 21 witnesses, out of whom, three witnesses have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The FIR has been registered by Paramjit Kaur on the basis of suspicion. It is not disputed that there is no eye witness in the present case. The said Paramjit Kaur had appeared as PW-1 and she had specifically stated that the deceased and the petitioner were residing happily and that the deceased was not subjected to any cruelty and that the petitioner never committed the murder of Ramandeep Kaur. The said PW1-Paramjit Kaur was declared to have turned hostile. Even PW2 Prithvi Singh who had also been declared hostile, in his examination-in-chief, had stated that the petitioner and deceased were happily living together and the petitioner has not committed the murder of Ramandeep Kaur. The star witnesses in the present case have not supported the case of the prosecution. Moreover, as per the post-mortem report, it has been stated that the cause of death cannot be ascertained.

Keeping in view the above said facts and circumstances, 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 and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the

petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

October 14, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes