

NIRMAL SINGH ALIAS GORA SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Dhaliwal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 45 dated 26.07.2022 under Sections 306, 34 IPC, registered at Police Station Bhadaur, District Barnala.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased about 15 years prior to the occurrence and they have been blessed with two children. The FIR has been registered on the basis of the statement of Avtar Singh, the brother of the deceased, wherein he alleged that on 19.07.2022, he was informed by the petitioner that the deceased had died. Accordingly, he along with other relatives visited the place of in-laws of the deceased. The deceased was cremated without any post-mortem and suspicion. Subsequently, the petitioner had shared with Govind Singh, a member of the Gram Panchayat to the effect that the death has occurred due to mistake on his part. Even the two relatives of the complainant had seen some injuries on the person of the

deceased while she was being given bath prior to cremation. The matter was never reported at any Forum and even the FIR has been lodged after a delay of 7 days from the occurrence. The two minor children of the deceased are residing with his parental family. The FIR was registered against the brother and sister-in-law of the petitioner also but they have been found innocent. The deceased had not left any suicide note and no complaint was made at any Forum for a period of 15 years against the petitioner during the lifetime of the deceased. The petitioner is in custody for a period of 4 months and 19 days and not involved in any other case.

Learned State counsel has opposed the bail application on the score that subsequent to the death, the petitioner had made extra-judicial confession before Govind Singh, acknowledging his mistake and even two relatives of the petitioner had seen injuries on the person of the deceased while she was being given bath before cremation. Further, in a clandestine manner, the cremation was conducted without getting the post-mortem examination conducted. Though the investigation of the case is complete, challan has been presented but the statements of the witnesses is yet to be recorded.

The marriage of the deceased was solemnized with the petitioner about 15 years prior to the occurrence. Two children have been born from the wedlock who are residing with the parental family members of the petitioner. The cremation has been carried out in the presence of the complainant and other relatives from the parental family of the deceased. Even the two relatives who allegedly noted some injuries on the person of the deceased at the time of giving bath before cremation displayed silence and had not reported the matter at any Forum. The deceased had not

recorded any suicide note. Neither the deceased nor any member of her parental family reported the matter with regard to the maltreatment given to her by the petitioner at any Forum during her lifetime. The petitioner is in custody for a period of 4 months and 19 days and not involved in any other case. The custodial interrogation of the petitioner is over and he is in judicial custody. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

16.12.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No