

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

**CRM-M-10635-2023**

**Date of decision : 09.03.2023**

**Jaswinder Singh**

**.....Petitioner**

**versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

**\*\*\***

Present :- Mr. J.S. Jaidka, Advocate  
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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**RAJESH BHARDWAJ, J. (Oral)**

This is the second petition filed by the petitioner for grant of regular bail in case FIR No.110 dated 01.06.2022, under Sections 306, 34 of IPC, registered at Police Station Tibba, District Ludhiana.

Adumbrated facts of the case are that the complaint was lodged on the statement of Harkirat Singh son of Jaspal Singh. It was alleged that his elder sister Manpreet Kaur @ Shilpa was married to Jaswinder Singh about 15 years ago. After marriage, they were blessed with two sons namely, Arshdeep Singh aged 14 years and Gurtej Singh aged 11 years. It was alleged that his sister used to be harassed by her husband Jaswinder Singh (petitioner). Time and again, it was being complained by his sister regarding the harassment caused to her by her husband Jaswinder Singh and mother-in-law Amarjit Kaur. They tried to counsel her in-laws, however, the harassment of his sister continued. On the date of occurrence, at about 11:00 AM, his sister rang him and informed regarding the torture being caused to her by her husband and

mother-in-law. He along with his mother Jasbir Kaur and brother Tejinder Pal Singh reached the matrimonial home of his sister and found her husband Jaswinder Singh, mother-in-law Amarjit Kaur and nephews Arshdeep Singh and Gurtej Singh standing around his sister. It was told that his sister Manpreet Kaur had committed suicide by hanging. They took the body of his sister to the hospital where she was declared dead. The request was made to take legal action against the culprits. On the basis of the complaint, formal FIR was lodged and investigation commenced. Postmortem of the body was conducted. The necessary formalities were completed by the investigating agencies. Petitioner who is husband of the deceased was arrested on 01.06.2022. He approached the Court of learned Sessions Judge, Ludhiana praying for grant of regular bail. However, after hearing counsel for both the sides, learned Sessions Judge declined the same vide his order dated 23.02.2023. Aggrieved by the same, petitioner has approached this Court by way of filing the present petition. On the earlier occasion he approached this Court by way of filing CRM-M-38469-2022 praying for grant of regular bail. However, after arguing at length, the same was allowed to be withdrawn vide order dated 01.09.2022 and hence, the petitioner filed the present petition for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case simply being the husband of the deceased. He submits that the marriage in question had taken place about 15 years ago, prior to the date of occurrence and the couple was blessed with two sons who were 14 years and 11 years of age at the time of occurrence. It is submitted that the dispute if at all between

the husband and wife was of family dispute then by no stretch of imagination it could be termed as instigation to the deceased for committing suicide. Learned counsel submits that even otherwise there is no evidence on record except the bald allegations regarding harassment caused to the deceased by the petitioner and his mother. He submits that after filing of the challan, charges were framed and the learned trial Court has examined the material witnesses as PW-1 to PW-6 who are close relatives of the deceased. It is submitted that all these material witnesses have not supported the case of the prosecution. He further submits that even both the sons of the deceased did not support the case of the prosecution. He has submitted that no offence under Section 306 IPC read with Section 107 IPC is made out. He submits that the majority of the prosecution witnesses stand examined and hence, petitioner is not in a position to tamper with the prosecution evidence. He submits that the co-accused i.e. mother of the petitioner has already been granted anticipatory bail. He submits that the petitioner has no criminal antecedents and he deserves to be granted regular bail.

Learned State counsel, on the other hand, has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is husband of the deceased and there are specific allegations of torture being caused to the deceased. He submits that from the facts and circumstances, it is apparent that the deceased was instigated to end her life by the petitioner. He has further submitted that out of 09 prosecution witnesses, 06 witnesses already stand examined. He has fairly submitted that the witnesses examined have not supported the case of the prosecution. However, he submits that as per law settled, the relevant

portion of hostile witnesses can always be relied upon.

I have heard counsel for the parties and perused the record. Evidently, petitioner before this Court is husband of the deceased. He married with deceased about 15 years ago. They were blessed with two sons. During trial, the material witnesses including both the sides have been examined, however, all these witnesses have not supported the case of the prosecution. There is nothing on record to show that the petitioner has any criminal antecedents. As submitted before this Court that out of 09 prosecution witnesses, 06 witnesses examined meaning thereby the material witnesses already stands examined. Whether any offence under Section 306 IPC read with Section 107 IPC is made out or not would be a subject matter of the outcome of the trial to be concluded by the trial Court. Co-accused is already on bail.

This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

09.03.2023

*m. sharma*

( **RAJESH BHARDWAJ** )

**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No