

220

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

CRM-M-20902-2023

Date of decision : 03.05.2023

Ranjit Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ*********

Present :- Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

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

This is the second petition filed by the petitioner praying for grant of regular bail in case FIR No.28 dated 26.04.2021, under Sections 306, 34 of IPC, registered at Police Station Valtoha, District Tarn Taran.

As per the facts of the case, Sukhwinder Kaur wife of late Balbir Singh made statement before the police. It was alleged that she had two daughters and her elder daughter Gurwinder Kaur aged 30 years was married to Ranjit Singh son of Balbir Singh and she was blessed with two children i.e. elder son 12 years of age whereas daughter was 07 years of age. Her younger daughter Harjinder Kaur was married to Tejbir Singh son of Darshan Singh. It was alleged that both her son-in-laws were drug addict and they used to consume liquor as well. Both of them were harassing her daughters. Gurwinder Kaur time and again used to complain about the harassment and cruelty caused by her husband Ranjit Singh. She used to be turned out of her matrimonial home by Ranjit

Singh after drinking. The complainant used to console her daughter but the same went in vain. On 26.04.2021, her daughter Harjinder Kaur called her and narrated about the harassment being caused by her husband Ranjit Singh and son-in-law Tejbir Singh who had come to their house. Though she tried to pacify her and promised her to meet. Thereafter, she went to meet her and on reaching, she found that someone from the village had admitted her daughter in the hospital and she was found dead after consuming poison. Request was made that the legal action be taken against her in-laws and Tejbir Singh who tortured her daughter and compelled her to consume poison to end her life. On the basis of complaint, FIR was lodged and investigation commenced. Petitioner was arrested on 18.05.2021. After completion of investigation, challan was presented against two of the accused i.e. petitioner Ranjit Singh and Tejbir Singh. Petitioner has approached Court of learned Additional Sessions Judge, Tarn Taran praying for grant of bail and the same was declined. On the earlier occasion, petitioner approached this Court by way of filing CRM-M-42608-2021 which was dismissed as withdrawn by this Court vide order dated 02.06.2022. Thereafter, the petitioner again approached the Court of learned Additional Sessions Judge, Tarn Taran. However, after hearing counsel for the parties, learned Additional Sessions Judge, declined the same vide order dated 24.06.2022. Aggrieved by the same, petitioner has again approached this Court by way of present petition.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case by the complainant. He has submitted that the allegations made against the petitioner are totally

false and frivolous. He submits that the dispute if at all of the petitioner was with his wife was of the nature of normal wear and tear of matrimonial dispute and same does not amount to offence as alleged. He has submitted that from the bare reading of the facts and circumstances of the case and the allegations made in the FIR, ingredients of Section 107 IPC are not made out and as such, no abetment is made out against the petitioner. He submits that petitioner has no criminal antecedents and even otherwise, 08 witnesses already examined including the material witnesses i.e. complainant, Sukhwinder Kaur (mother of the deceased), sister of the deceased and uncle of the deceased have been examined by the trial Court and all these material witnesses have not supported the case of prosecution and thus were declared hostile. He submits that in view of the facts and circumstances of the case, petitioner deserves to be granted bail.

Learned State counsel has submitted that the relationship between the petitioner and the deceased is an admitted fact. He submits that there were specific allegations against the petitioner that time and again he used to beat the deceased and who used to be turned out of the matrimonial home. He submits that the complainant who is mother of the deceased is a helpless lady being widow and thus, she was not in a position to restrain the petitioner from badly treating her daughter. He submits that the deceased was compelled by the petitioner to take extreme step of ending her life by consuming poison. He has further submitted that out of 16 prosecution witnesses, 08 witnesses have been examined including the complainant and other material witnesses, and they have not supported the case of prosecution. He has submitted that as per

instructions provided, petitioner is not involved in any other case.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that petitioner is behind bars since 18.05.2021. Out of 16 prosecution witnesses, 08 witnesses have been examined including the material witnesses i.e. complainant and other family members of the deceased and they have not supported the case of prosecution. Whether the offence under Section 306 IPC is made out or not is a matter of evidence to be appreciated by learned trial Court. As the material witnesses have already been examined, probability of the petitioner influencing the prosecution witnesses does not survive. There is nothing on record to show that the petitioner has any criminal antecedents.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. 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.

03.05.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE