

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. CRM-M No.24514 of 2023

Bhagwan Singh .. Petitioner

Versus

State of Punjab ... Respondent

2. CRM-M No.27338 of 2023

Sukhdev Singh .. Petitioner

Versus

State of Punjab ... Respondent

3. CRM-M No.28410 of 2023

Manjit Kaur .. Petitioner

Versus

State of Punjab ... Respondent

Date of Decision: 09.11.2023

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.K. Grewal, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANISHA BATRA, J.

1. This common order shall dispose of the abovementioned three petitions i.e. CRM-M No.24514 of 2023, CRM-M No.27338 of 2023 and CRM-M No.28410 of 2023, filed under Section 438 of the

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Code of Criminal Procedure by the petitioners seeking anticipatory bail in case bearing FIR No.168 dated 23.09.2019 registered under Sections 306, 420 and 511 read with Section 120-B of IPC at Police Station Koom Kalan, District Ludhiana, Punjab.

2. Brief facts of the case relevant for the purpose of the disposal of the above petitions are that the abovementioned FIR was registered on the basis of statement recorded by the victim Amanpreet Kaur on 23.09.2019 to the effect that she had fallen in love with accused Gurjot Singh and on 17.07.2019 had gone along with him for solemnizing marriage with him. They had solemnized marriage on 25.07.2019 without the consent of her parents. Some time thereafter, her husband had started ignoring her and then she came to know that he was already engaged and his marriage was fixed elsewhere. He had even started taunting her and had been compelling her to die and due to this fact, she had swallowed some poisonous substance. This statement was recorded while she was admitted in the hospital and was under treatment on account of consumption of some poisonous substance. A case under Section 420 and 306 read with Section 511 of IPC was registered. Investigation proceedings were initiated. The victim unfortunately died during treatment on 24.09.2019.

3. The statement of her father Karam Singh was subsequently recorded who alleged that the petitioners Bhagwan Singh, Sukhdev Singh and Manjit Kaur who are grandfather and parents respectively of the accused Gurjot Singh had not accepted the victim after her marriage with Gurjot Singh and had been harassing her, extending threats to her and had been threatening to kill them if they did not take the victim back. He further

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alleged that the victim before her death had told him that the petitioners and her husband by mixing something in the water had made her consume the same. He alleged that the petitioners and Gurjot Singh were responsible for death of the victim. On the basis of this statement, offence under Section 120-B of IPC was added. The present petitioners were nominated as accused in the FIR. Postmortem examination of the dead body of the victim was conducted. During investigation, the accused Gurjot Singh was arrested. However, the present accused were found to be innocent and they were not arrested and challaned and their names were kept in column No.2 of the challan report. After completion of necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court for trial of the accused Gurjot Singh who is facing trial. During the course of the trial, the father of the victim had moved an application for summoning the petitioners as additional accused and vide order dated 13.04.2023, they were ordered to be summoned as such to face trial along with the co-accused for commission of offences punishable under Sections 420, 306 read with Section 511 further read with Section 120-B of IPC. The petitioners had moved application(s) for grant of anticipatory bail before learned trial Court which had been dismissed vide order dated 26.04.2023.

4. The instant petitions have been filed by the petitioners seeking grant of anticipatory bail on the ground that they have been wrongly summoned as additional accused in this case. The police had conducted thorough inquiry/investigation in the matter and had found them to be innocent. They had already surrendered before the learned trial Court in pursuance of order dated 22.05.2023, 29.05.2023 and 01.06.2023 passed by

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this Court. Their custodial interrogation was not required. Neither any recovery was to be effected from them. No useful purpose was going to be served by detaining them in custody. Hence, it is urged that they deserve to be given concession of bail.

5. The petitions have been resisted by the State in terms of the status reports wherein it is submitted that PW-Karam Singh father of the victim had levelled specific allegations against the petitioners. The said allegations were serious in nature and, therefore, the petitioners were not entitled to the remedy of anticipatory bail which was to be granted in extraordinary circumstances.

6. I have heard learned counsel for the parties and have perused the record.

7. It is not in dispute that the petitioners were found to be innocent and had not been arrested and challaned in this case. They have been summoned as additional accused by learned trial Court in pursuance of an application as filed under Section 319 of Cr.P.C. Their custodial interrogation is not required as investigation in the case has been completed long back. They have already appeared before learned trial Court in pursuance of previous order(s) passed by this Court. No useful purpose as such is going to be served by detaining the petitioners in custody as their presence can be secured even otherwise also. The trial is likely to take time. On perusal of record, it is revealed that in her statement as initially recorded by the victim before the police, she had not levelled any allegations against the present petitioners. Keeping in view the nature of the subject offences, the fact that no specific part had been attributed by the victim to them for

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commission of alleged offences and the entire attendant facts and circumstances of the case, I am of the considered opinion that the petitioners deserve to be extended benefit of anticipatory bail. As such, the petitions are allowed and the order(s) of interim bail which have been passed in their favour earlier on 22.05.2023, 29.05.2023 and 01.06.2023 respectively are ordered to have become absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

09.11.2023
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(MANISHA BATRA)
JUDGE

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