

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

217

CRM-M-24407-2022

Date of Decision: 24.04.2023

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Shivender Pal Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner
Mr. Amish Sharma, AAG, Punjab
(assisted by SI Karamjit Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 22.03.2023, the following order was passed:-

“The petitioner, through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) is seeking regular bail in FIR No.161 dated 19.10.2020 under Sections 304-B, 34 and 506 of Indian Penal Code, 1860 (for short ‘IPC’) registered at Police Station Sidhwan Bet, District Ludhiana.

The case of prosecution is that Gulshan Kumar made a statement before police authorities alleging that he is running transport work. He has two children i.e. one daughter and one son. His daughter Prachi Sikka solemnized love marriage with Mandeep Singh son of Veer Singh on 16.10.2019 at her own accord. The behaviour of in-laws of his daughter was initially good, however, they started beating her and asked her to bring Rs.2 Lacs from her parents. On 20.03.2020, he went to village Bahadurke and brought

back her daughter with the consent of Panchayat. She lived with him for 6 months and on 14.09.2020, her husband took her away to his village without informing him. On 11.10.2020, friend of Mandeep Singh informed him that his daughter has consumed poison and she had been admitted in Medicity Hospital, Moga. He along with his family members reached at Medicity Hospital, Moga and found that his daughter was admitted in I.C.U. and she was facing difficulty in breathing. Prachi died during treatment.

Learned counsel for the petitioner inter alia contends that deceased was pregnant when she was taken away by her father to Delhi. They got her child aborted. The abortion was carried out at the house of the complainant. The deceased made a statement dated 15.09.2020 and 22.09.2020 before police authorities disclosing that her parents had got her child aborted and she would take appropriate action against them. As per MLR, the deceased had not died on account of consuming poison, thus, allegations of the complainant are prima facie false and concocted. The deceased had passed away on account of acts and conduct of complainant.

On being confronted with statements of the deceased dated 15.09.2020 and 22.09.2020, learned State counsel seeks time to verify authenticity of both the documents.

*Adjourned to **24.04.2023.**”*

2. Learned State counsel submits that letter dated 15.09.2020 and 22.09.2020 allegedly written by deceased are genuine, however, submits

that Investigating Officer may be directed to ascertain actual cause of death. He further submits that there are 15 witnesses and till date none has been examined.

3. The deceased indubitably had made a statement dated 15.09.2020 and 22.09.2020 before the police authorities disclosing that her parents had got her child aborted and she would take appropriate action against them. The petitioner had brought back deceased from his in-laws family in the first week of September' 2020 whereas she died in 19.10.2020. As per MLR, the deceased had not died on account of consuming poison, thus, allegation of complainant is *prima facie* false and concocted. There is need of ascertaining actual cause of death and in view of statement dated 15.09.2020 and 22.09.2020 of the deceased, the present petitioner may be an aggrieved party rather than accused, thus, it would not be just, fair and reasonable to keep the petitioner in custody as he is in custody since 26.10.2020. As per custody certificate which is already on record, the petitioner is not involved in any other offence. There are 15 witnesses and till date none has been examined, thus, there is abysmally low possibility of conclusion of trial in near future. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The prosecution has not led any convincing/plausible documentary or oral evidence

indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

4. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

5. From the submissions of learned State counsel as well record, it appears that actual cause of death of deceased has not been ascertained. There is loss of life of a young lady. The statements of the deceased made before police authorities prior to her death give a different colour to the cause of death and creates doubt in the investigation, thus, it would be in the interest of justice and fitness of things that if Investigating Officer makes further investigation and find out actual cause of death.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

24.04.2023
Mohit Kumar

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