

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 25877/2023

Date of decision: 02.08.2023.

Parwinder Singh @ Soni

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Harpreet Kaur, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

Nidhi Gupta, J.

Prayer in this petition under Section 439 Cr.PC is for grant of regular bail in case FIR No.41 dated 25.2.2022 under Sections 306/34 IPC, PS Sadar, Faridkot, District Faridkot.

Above said FIR (Annexure P-1) was registered on basis of the statement of the mother of the deceased/complainant, and reads as under:-

“Statement of Kulwinder Kaur w/o Lakhvir Singh s/o Sadhu Singh, R/o Pakhi Kalan, aged about 55 years, mobile No.96564-68727 stated that I am resident of above address and I got married about 38 years ago with Lakhvir Sigh s/o Sadhu Singh, R/o Pakhi Kalan. I have 05 children from this marriage, eldest Rupinder Kaur, aged about 35 years, who has been married with Parwinder Singh @ Soni s/o Bohar Singh, R/o Sadhawala about 13 years. My daughter Rupinder Kaur was having 02 children, eldest daughter Navjot Kaur @ Navi and younger son Mohdeep Singh, aged about 08 years. My son-in-law Parwinder Singh @ Soni was having illicit relations with some other woman namely Swaranjit Kaur w/o Vakil Singh, R/o Sadhawala and my daughter used to stop my son-in-law again and again from this and used to make him understood but he did not heed to my daughter Rupinder Kaur

and due to this, he used to beat my daughter Rupinder Kaur in which her devar Rajwinder Singh was completely supporting him. My daughter Rupinder Kaur was very angry and fed up from my son-in-law due to his illicit relations with Swaranjit Kaur w/o Vakil Singh. I used to pacify her and send her to her in-laws house at Sadhawala. On dated 24.2.2022 at about 01:30 PM, my daughter Rupinder Kaur consumed some poisonous substance due to the harassment of my son-in-law Parwinder Singh, her devar Rajwinder Singh and Swaranjit Kaur w/o Vakil Singh with whom my son-in-law was having illicit relations and ended her life. Earlier my husband Lakhvir Singh also recorded his statement before you that we will take action only after receipt of post mortem report but now I and my relatives have got verified that my daughter Rupinder Kaur has consumed some poisonous substance and ended her life due to harassment of my son-in-law Parwinder Singh, her devar Rajwinder Singh and Swaranjit Kaur w/o Vakil Singh R/o Sadhawala with whom my son-in-law was having illicit relations. Legal action be taken against the above persons. Statement has been recorded before you, heard and found correct. RTI/- Kulwinder Kaur above supported by Sd/- Kuldeep Singh s/o Gurmit Singh, R/o Pakhi Kalan, certified Sd/- Sukhdev Singh S, Incharge Chowki Golewala, P.S. Sadar-Faridkot dated 25.02.2022”.

Ld. counsel for the petitioner submits that the complainant is mother of the deceased-wife of the petitioner. It is submitted that the petitioner and deceased were married for more than 13 years and there were no complaints by the deceased against the petitioner. Ld. Counsel submits that there is no truth to the allegations made by the complainant in the FIR. It is further submitted that two children were born out of the wedlock of the petitioner and the deceased, who are presently in the care and custody of the mother of the petitioner as the petitioner is incarcerated for almost one year since 16.7.2022. Ld. Counsel accordingly, prays that the petitioner be released on regular bail as he is innocent and has been falsely implicated. It is further submitted that co-accused has been granted bail by this Court vide order dated 9.3.2023 (Annexure P-2).

Custody certificate dated 1.8.2023 produced by the Id. State counsel is taken on record, as per which petitioner is in custody as undertrial for a period of 1 year and 15 days. Ld. State counsel points out that as evident from the custody certificate, petitioner is also involved in another case bearing FIR No. 152 dated 10.9.2019 under Section 61 of the Excise Act, PS Sadar, Faridkot.

Ld. State counsel opposes the prayer for grant of regular bail and submits that only examination-in-chief of the complainant has been conducted so far, and her cross-examination is still pending. It is further submitted that out of 22 witnesses, only 9 have been examined so far.

After hearing ld. counsel for the parties, without commenting on the merits of the case and keeping in view the fact that petitioner is in custody since 17.7.2022; prosecution evidence is yet to be concluded and as such, conclusion of trial will take some time; and that no useful purpose would be served by keeping the petitioner in custody, the present petition is **allowed**. The petitioner Parwinder Singh @ Soni son of Bohar Singh is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

02.08.2023.
Joshi

(Nidhi Gupta)
Judge