

224

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

**CRM-M No.29641 of 2023
Date of decision: 28.07.2023**

Gurvinder Singh**..... Petitioner**

versus

State of Haryana**..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Aman Pal, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. David Sardana, Advocate
for the complainant.

RAJESH BHARDWAJ J. (ORAL)

Prayer in the present second petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.18, dated 24.03.2021, under Sections 306, 305 (added later on) and 34 IPC, registered at Police Station Naggal, District Ambala.

2. Brief facts of the case are that the complaint was lodged by Gurpreet Singh. It was alleged that his sister, namely, Jagdeep Kaur-deceased, aged 35 years, was married with Gurvinder Singh-petitioner on 19.01.2013 as per Sikh rites and ceremonies. After the marriage, his sister gave birth to girl child, namely, Husanpreet Kaur, whose age was 07 years. He alleged that after the marriage, there was quarrel between his sister and her in-laws, i.e., her husband i.e. petitioner, father-in-law, namely, Gurpal Singh and mother-in-law, namely, Karamjit Kaur. They often used to give her beatings and she was turned out of the matrimonial home time and again. On 23.03.2021 as she was given beatings by her in-laws she left the

matrimonial home and went to the house of one of her relatives, namely, Ajaib Singh. Thereafter, she called the complainant and narrated about her plight. Complainant tried to persuade her to come to home but she told that she would come in morning. On 24.03.2021, she called them and told that she was going to die. He went to Malaur Canal and found body of his sister floating in the canal. He tried to search body of child but failed to get any clue about the same. It was further alleged that his sister jumped in the canal along with the child as she had been harassed by her husband and in-laws. The request was made to take legal action against them. On the basis of complaint, a formal FIR was lodged and the investigation commenced. Inquest report was prepared and post mortem examination of the dead body was conducted. On completion of the investigation, challan was presented. The petitioner was arrested on 06.04.2021. The petitioner approached the Court of learned Additional Sessions Judge, Ambala praying for grant of bail. However, after hearing both the sides, learned Additional Sessions Judge declined the same vide his order dated 02.08.2021. Thereafter the petitioner approached this Court by way of filing **CRM-M-32957 of 2021**, however, the same was dismissed as withdrawn vide order dated 30.09.2022. The petitioner again approached the Court of learned Additional Sessions Judge praying for grant of bail. However, the same was again declined on 23.01.2023. Hence, aggrieved by the same, the petitioner again approached this Court by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner and his family members were falsely implicated in this

case. He submits that there are bald allegations regarding beatings given to deceased. He submits that if at all, quarrel between the petitioner and the deceased had taken place the same was a normal quarrel and a minor dispute of husband and wife. He submits that there is nothing on record to substantiate the allegations of persuading the deceased to commit suicide by the petitioner. He submits that allegations are levelled against the whole family, which are totally false and frivolous and have been levelled only to harass the whole family of petitioner. He submits that however, co-accused have already been granted the concession of anticipatory bail by this Court. He has further submitted that in the facts and circumstances, the essential ingredient of Section 107 IPC that petitioner instigated or abducted the deceased to commit suicide is not made out and thus, offence under Section 306 and 305 IPC would not be made out against the petitioner. He submits that the petitioner has no criminal antecedents and is behind bars for more than 02 years in this case. He has further submitted that the complainant has already been examined and thus, the petitioner is not in a position to influence the complainant and in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that there are specific allegations against the petitioner and his family members regarding the cruelty and harassment caused to the deceased. He submits that deceased had to leave the matrimonial home in night itself as the situation was totally intolerable in the matrimonial

home. It is also apparent that there was conversation between the deceased and her brother regarding the harassment caused by petitioner and his family members who instigated the deceased to commit suicide along with her minor child. He submits that no case is made out for grant bail to the petitioner.

5. Learned counsel for the State, on the other hand, on instructions, has also opposed the submissions made by counsel for the petitioner. He has submitted that allegations were substantiated during the investigation and the challan already stands presented. Charges were framed. He submits that out of 27 prosecution witnesses, only the complainant has been examined till date. However, he has submitted that the petitioner is not involved in any other case.

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

7. Evidently, the petitioner is husband of deceased. Their marriage took place on 19.01.2013. There are allegations of harassment caused to the deceased and thus, she left the matrimonial home. However, whether allegations would constitute an offence under Sections 305, 306 IPC read with Section 107 IPC is the subject matter of the trial Court to decide on the appreciation of the evidence to be led by both the sides. This Court would refrain itself from saying anything on the merits and in view of the fact that out of 27 prosecution witnesses, only the complainant has been examined whereas the petitioner is behind bars for last more than 02 years and the co-accused had already been granted the concession of anticipatory bail, the petitioner is entitled to be released on bail. 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. 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.

(RAJESH BHARDWAJ)
JUDGE

28.07.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No