

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30211 of 2023
Date of decision: 17.11.2023

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

1. On 12.06.2023, the following order was passed by the Coordinate
Bench of this Court:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in criminal complaint bearing registration No.COMI-23 of 2019 dated 13.02.2019 under Sections 302, 304-B, 120-B, 148 and 149 IPC pending before the Court of Additional Chief Judicial Magistrate, Tarn Taran, District Tarn Taran (Annexure P-2) whereby the petitioner has been summoned vide order dated 03.04.2023 to face the Trial under Sections 304-B and 120-B IPC.

The learned counsel for the petitioner inter alia contends that similarly situated co-accused namely Kuljit Kaur and Jagdish Singh have been granted the concession of bail vide order dated 02.06.2023 (Annexure P-3).

Notice of motion for 10.07.2023.

In the meantime, the petitioner is directed to appear before the Trial Court. On appearance of the petitioner before the Trial Court, he shall be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

To be heard with CRM-M-29012-2023 and CRM-M-29048-2023”.

2. Learned counsel for the petitioner contends that at the first instance an FIR bearing No.0217 dated 26.08.2018, under Sections 304-B and 120-B IPC was registered at the Police Station Sadar Tarn Taran, District Tarn Taran against the petitioner. After the investigation, a cancellation report was submitted and after recording the statement of the complainant, the same was accepted by the Court of Learned Illaqa Magistrate. The complainant has preferred a criminal complaint wherein the petitioner has been summoned. In pursuance of the interim directions, Kuljeet Kaur and Jagdish Singh co-accused had surrendered in the trial Court on 06.06.2023. Gurpreet Singh-petitioner had surrender in the Court on 14.06.2023 and they have been admitted on interim bail.

3. Learned State counsel submits that during the course of investigation, it had emerged that the deceased had committed suicide as she was disturbed due to thyroid disease and was unsuccessful in Bachelor of Arts examinations. The petitioner was found to be innocent and accordingly, cancellation report was submitted and the same has been accepted.

4. Learned counsel for the complainant has opposed the bail application on the score that there are categoric allegations with regard to demand of dowry and death of the deceased which has taken place otherwise and the normal circumstances within a period of about 02 years from the marriage.

5. It is significant note that at the earlier instance, in FIR was registered on the basis of same allegations. During the course of investigation, the petitioners were found innocent and cancellation report has been accepted. The petitioner has been summoned by the Court of Ld. Judicial Magistrate on the complaint under Sections 302, 304-B, 120-B, 148, 149 IPC submitted by

Hazoor Singh, father of the deceased. It is a complaint case. The petitioner is not required for investigation of the case. In pursuance of the interim directions, the petitioner has surrendered in the trial Court.

6. In view of the aforesaid submissions, the order dated 12.06.2023 granting interim bail to the petitioner is made absolute.

7. The petition is allowed. However, it is directed that the petitioner shall furnish fresh bail bonds before the trial Court/ Committing Court/Illaq Magistrate within a period of one month.

17.11.2023
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(VIVEK PURI)
JUDGE

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