

101 + 208

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

CRM-M-32020-2023 (O&M)

Date of Decision:- 05.10.2023

KULWARAN SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Rozer Kumar Aggarwal, AAG Punjab.

AMARJOT BHATTI, J. (Oral)

CRM-31243-2023

This is an application under Section 482 Cr.P.C. for seeking permission to place on record the photostat copy of the medical records as Annexure P-7 and seeking exemption from filing the certified copy thereof.

For the reasons mentioned in the application, CRM is allowed.
The accompanied document i.e. Annexure P-7 is taken on record.

CRM-M-32020-2023

1. The petitioner – Kulwaran Singh has filed the instant 2nd petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 111 dated 08.10.2017 under Section 306 of IPC, Police Station Sadar Rupnagar,

District Rupnagar.

2. The facts of the case are that Swaran Singh, brother of the victim gave his statement to the police that his younger sister i.e. victim got married on 13.06.2010 with Ranjit Singh. He used to ill-treat his sister under the influence of liquor. Ranjit Singh had borrowed a sum of Rs.1 lakh from him for going abroad. He went Dubai after leaving his wife and child who was about 4 ½ years old. He returned from Dubai after 10 days. On 06.10.2017 his sister had come to see their mother at village Alipur. On 07.10.2017 Ranjit Singh left his sister in their village along with her clothes. Her son was kept in their village at Jattpur. His sister had disclosed everything to him. He tried to console her. Her husband told her that she would not be permitted to enter the matrimonial home. Thereafter, on the day of occurrence, he had gone for his job. He was informed by his wife telephonically that his sister committed suicide by jumping into the canal. The dead body of his sister was recovered. His sister had committed suicide on account of harassment caused to her by her husband and in-laws family. With these allegations the present FIR was registered.

3. The investigation was carried out. As per the status report, during investigation on 24.10.2017 Ranjit Singh, the husband of the deceased victim, produced one suicide note written in the hands of the deceased victim in which Kulwaran Singh was named and held responsible by the victim. On the basis of suicide note, Kulwaran Singh was nominated as an accused on 18.04.2018 and Ranjit Singh, husband was exonerated from the charges against him. Thereafter, Kulwaran Singh was arrested on 01.09.2022.

4. Learned counsel for the petitioner argued that he is falsely implicated in this case at the instance of husband of deceased victim.

Initially all the allegations were levelled against Ranjit Singh. He has nothing to do with the said occurrence or with the deceased. The family of Ranjit Singh was inimical towards him since long and for this reason he is falsely implicated. No suicide note was recovered from the deceased-victim. She was residing in her parental house at Alipur as she was left by her husband one day prior to occurrence. All the allegations levelled against him are false. Even otherwise the statement of the complainant has been recorded in which he has not named the present petitioner nor any allegation has been levelled against him. In-fact it has come in the statement of complainant that he did not know Kulwaran Singh, the present petitioner nor he ever met him. He further shows his ignorance regarding the role of present petitioner in the death of his sister. He further confirmed that no suicide note was recovered near the dead body of his sister. Balwinder Singh Sarpanch of village Alipur while appearing as PW2 did not say anything regarding the recovery of suicide note from the body of deceased victim. He was arrested in this case on 01.09.2022. He is ready to abide by the terms of bail order. It is prayed that his 2nd regular bail application may be allowed since the first bail application was dismissed as withdrawn as per order dated 20.04.2023 in CRM-M-50626-2022, Annexure P-6.

5. The bail application is opposed by learned counsel representing the State. Detailed status report has been filed. As per the facts mentioned in the status report, it is alleged that during the investigation it was revealed that Kulwaran Singh the present petitioner was residing in the same vicinity of matrimonial house of the deceased- victim. He was having illicit relations with the victim and he used to force her to maintain physical relations with her. It was further revealed that on the intervening

night of 27/28.09.2017 Kulwaran Singh had entered the matrimonial house by scaling the wall. However, mother-in-law of the deceased victim came to know who switched on the light and present petitioner managed to fled away from there. Thereafter, the husband of the victim returned from Dubai. He left the victim to her parental house. It is argued that the evidence of the prosecution is at initial stage. Now one application under Section 319 Cr.P.C. has been filed for summoning of Ranjit Singh husband of the deceased victim as an additional accused. There are specific serious allegations against the present petitioner. As per the report of Forensic Science Laboratory, the signatures of the deceased victim on suicide note matched with the specific signatures of the deceased-victim. Even otherwise the present petitioner is involved in another 3 cases and in one case under NDPS Act trial is going on. Under these circumstances, it is prayed that present petitioner is not entitled for release on bail.

6. I have considered the arguments and have gone through the record carefully. In this case, FIR has been registered on the statement of Swaran Singh, brother of the complainant, who had levelled allegations against Ranjit Singh husband of the deceased – victim regarding maltreatment and beating given to her. He further claimed that Ranjit Singh husband left his wife in the parental house by keeping the child in their village. Due to the harassment caused to her by husband, the victim committed suicide by jumping into the canal. On the other hand, Ranjit Singh had produced one suicide note of the deceased-victim allegedly named the present petitioner responsible for the occurrence. Copy of suicide note and the report of FSL dated 18.04.2018 are on the record. The statement of Swaran Singh complainant was recorded as PW1 who did not state anything regarding the present petitioner Kulwaran Singh. In the

meantime, application under Section 319 Cr.P.C. was filed for summoning of Ranjit Singh husband of the victim as accused. The present petitioner was arrested on 01.09.2022 and since then he is behind the bars. The first regular bail application filed in this case bearing CRM-M-50626-2022 was dismissed as withdrawn as per order dated 20.04.2023 which is Annexure P-6. The present petitioner is named on the basis of suicide note. The trial is at initial stage. The allegations are serious in nature.

7. Considering the gravity of offence, at this stage, I do not find a fit case for grant of regular bail to the petitioner Kulwaran Singh and the same is accordingly declined.

05.10.2023

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No