

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M 37168/2023

Date of decision: 04.08.2023.

Amandeep Singh

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. KS Kahlon, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Prayer in this first petition under Section 439 Cr.PC is for grant of regular bail to the petitioner in case FIR No.102 dated 2.9.2020 under Sections 498-A/506/323/324/326-A IPC, PS Fatehgarh Churrian, Police District Batala, District Gurdaspur.

FIR (Annexure P-1) in this case was registered on the statement of complainant/wife of the petitioner, which reads as under:-

'Statement of Baljit Kaur wife of Amandeep Singh d/o Surinder Singh r/o Ward no. 7. Fish Market, Fatehgarh Churrian, District Gurdaspur aged 27 years Mobile no. 8194973797. It is stated that I am resident of the above-mentioned address and do household work. I got married on 28.10.2016 as per Sikh rites and ceremony with Amandeep Singh s/o Didar Singh, r/o Ward no. 4. Fatehgarh Churrian. My parents had given dowry as per their status and six months after my marriage my in-laws family out of which my husband Amandeep Singh, father in- law Didar Singh s/o Rattan Singh, Mother in-law Kuldeep Kaur w/o Didar Singh, r/o Ward no. 4 Fatehgarh Churrian and sister in-law Sandeep

Kaur w/o Gurdeep Singh r/o Ward no. 1 Fatehgarh Churrian started harassing me and abusing me and demanded more dowry and used to give me beatings and used to keep me hungry days together On 15.06.2019 my father Surinder Singh and my brother Sukhjot Singh came to meet me and I narrated my tale of woes to them. After hearing me my father and my brother took me from my home and after one month my husband and my father in-law started giving me threats to life on telephone and used to say that you should write off the matter with us. As your daughter cannot reside. In front of our house there is a meat shop where Amandeep Singh alongwith his friends sits on the shop and drinks and after that he used to give me threat that you should divorce me and if I do not divorce him I shall eliminate your family. In this regard my matter was pending before the Women Cell, Batala and the same is under investigation. On 31.08.2020 at 7.00 p.m. I and my father Surinder Singh and my brother Sukhjot Singh were present at our house that my husband Amandeep Singh and father in-law Didar Singh and mother in-law Kuldeep Kaur came in front of the shop of Godly Meat which is in front of our house and started abusing our family. I and my father and my brother went near the meat shop and tried to stop them for abusing us. And my mother in-law Kuldeep Kaur gave lalkara and said caught hold of them today as they denied to give us divorce every day and my husband Amandeep Singh and my father in-law Didar Singh took the karahi of boiling hot oil from the meat shop by holding it from the handle on one side and the other side was held by my father in-law and with intention to kill threw the same on me and my father and my brother. I stepped back to save myself and the hot oil fell on my left leg and left arm. My father and brother received less oil and due to the hot oil I started crying and I raised raula 'Mar Ditta Mar Ditta' and all of us given beatings. On hearing my shrieks my sister in-law (Bharjaj) Lovepreet Kaur wife of Sukhjot Singh r/o Fatehgarh Churrian came out and on hearing the shrieks my in-laws family ran away from the spot. On seeing my condition my sister in-law Lovepreet Kaur arranged for convenience and took me, my father and my brother for treatment to Civil Hospital, Fatehgarh Churrian wherein my father and my brother given first aid and doctor referred me due to my condition to Guru Nanak Hospital, Amritsar and father and brother given first aid and sent home. I am under treatment at Guru Nanak Hospital, Amritsar. Till today I did not take any action as per consent of my family. Today my husband Amandeep Singh s/o Didar Singh. Didar Singh son of Rattan Singh, mother in-law

Kuldeep Kaur w/o Didar Singh r/o Ward no. 4 Fatehgarh Churian and my sister in-law Sandeep Kaur wife of Gurdeep Singh r/o Ward no. 1, FGC. Legal action be taken against them. My statement is recorded. Action be taken against my in-laws family. The discord is my husband wants to live separately and take divorce and I do not want to give divorce. I have given the statement without any pressure. In the presence of my brother Sukhjit Singh. My statement has been read over to me which is correct. After finding it correct I signed below the same in Punjabi Baljit Kaur”.

Ld. Counsel for the petitioner submits that parties were married in 2016. It is contended that false and omnibus allegations have been made in the FIR by the complainant against the petitioner/husband, father-in-law, mother-in-law and sister-in-law of the complainant. It is submitted that during investigation a separate DDR No.27 dated 23.11.2020 (Annexure P-6) was recorded, and upon investigation it was found that the other co-accused were not present at the place of occurrence. The said accused were therefore, declared innocent and exonerated, and offence under Section 307 IPC was also deleted. It is submitted that accordingly, utterly false allegations have been made by the complainant against all the accused. Ld. Counsel further submits that the Medical Officer vide his opinion dated 26.09.2020 (Annexure P-7) had opined that the burn injuries on the person of the victim were superficial in nature and on non-vital parts of the body and had declared them simple in nature.

Ld. State Counsel submits that custody certificate is not available today, however, petitioner has been in custody since 13.7.2023 only. It is submitted that very serious allegations have been made against the petitioner and father-in-law of the victim, to the effect that both of them picked up a karahi of boiling hot oil and threw the same on the victim with the intention to kill her. It has been stated in the FIR that the victim stepped back

to save herself and the hot oil fell on her left arm and left leg. Ld. Counsel also refers to MLR (Annexure P-8) of the victim wherein four injuries/scaled skin with multiple blisters have been recorded on her left foot, left thigh, left arm and left side of the lower abdomen. It has even come on record that father and brother of the victim also received some injuries on their person as they were present at the time of occurrence. It is then submitted that after presentation of challan, charges framed on 11.11.2021 stand amended vide order dated 13.7.2023.

After hearing ld. Counsel for the parties and keeping in view the totality of the facts and circumstances of the case, however, without commenting on the merits of the case, I find that no case for grant of bail is made out.

Dismissed.

However, nothing stated above shall be taken as an expression of opinion on the merits of the case.

04.08.2023.
Joshi

(Nidhi Gupta)
Judge