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

CRM-M-40032-2023 (O&M)

Date of Decision:- 23.11.2023

Gurpal

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vaibhav Vats, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG Punjab.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Gurpal has filed the present 2nd petition under Section 439 CrP.C. for grant of regular bail in case FIR No. 76 (Annexure P-1) dated 05.10.2022 under Section 306 of IPC, registered at Police Station Handesra, SAS Nagar, Mohali.

2. The facts of the case are Labh Singh complainant gave his statement to the police that his daughter i.e. the victim was married to Gurpal about 10 years ago. No child was born out of this wedlock. His son-in-law Gurpal often used to quarrel with his daughter and taunted her for not giving birth to a child. He tried to make him understand but Gurpal did not stop quarreling with his daughter. His daughter told him several times that she wanted to end her life due to the repeated quarrels. On 03.10.2022, there was marriage ceremony of his nephew Amanpreet Singh. His daughter along with her husband Gurpal came to attend the marriage. She wanted to stay in her parental house on 03.10.2022 but Gurpal quarreled with her and took her back forcibly. They tried to contact

her but nobody picked up the phone. Thereafter, Jaswant Singh, his brother-in-law called his daughter who disclosed that Gurpal had a quarrel with her and due to this reason, she had consumed some poison. They again tried to contact his daughter and other family members but nobody picked up the phone. Later on, they received information that his daughter was admitted in Government Hospital, Sector- 32, Chandigarh. He along with his family members reached the hospital where his daughter was under treatment, who ultimately expired on 04.10.2022. The complainant stated that his daughter committed suicide by consuming poison for which his son-in-law Gurpal was responsible. With these allegations, present FIR has been registered.

3. The learned counsel for the petitioner pointed out that the allegations levelled against him are false. They got married about 10 years ago and prior to this there was no complaint against him. The first regular bail application was dismissed as withdrawn in Criminal Miscellaneous M No. 59680 of 2022, decided on 22.05.2023. At that time, the case was at initial stage. Now, the statement of complainant and other witnesses have been recorded i.e. Labh Singh PW-1, Gursewak Singh PW-2 and Jaswant Singh PW-3. The present petitioner is behind the bars since 07.10.2022. He will abide by the terms of bail order. It is prayed that his second regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Detailed status report is already filed. It is confirmed that challan in this case has been presented and statements of three prosecution witnesses have been recorded. Considering the gravity of offence, the present petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. It is matter of record that the present petitioner got married with the deceased victim about 10 years ago. The complainant has levelled allegations of maltreatment against his son-in-law i.e. the present petitioner. The petitioner/accused was arrested in this case on 07.10.2022 and till date he is behind the bars. The statements of all material witnesses have been recorded, as referred above. Trial of this case may take long time. Now, there is no apprehension that the present petitioner can influence or threaten the prosecution witnesses. Therefore, without expressing my mind on the merits of the case, the second regular bail application filed by the petitioner – Gurpal is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

Pending application(s), if any, shall also stands disposed of.

23.11.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

Yes/No