

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(223)

CRM-M-38971-2023
Date of decision:- 07.11.2023

Angrej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
50	26.02.2021	Dera Bassi, District SAS Nagar (Mohali)	308, IPC (later on Section 302, IPC was added)

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Rani, wife of Angrej Singh (present petitioner), wherein she stated that she was married to Angrej Singh about fourteen years ago and has three children from the wedlock. She works with a hospital, whereas her husband is a sewerage contractor. She has alleged that the relations between them were strained as she used to get repeated calls from the hospital and Angrez Singh suspected her. On the night of 25.02.2021, her husband came to her room and calling out for her, poured hot oil on her head, face and chest. When she raised an alarm, he ran away from the spot. Upon hearing her cries, her neighbours came and took her to a Government Hospital for treatment from where she was referred to GMCH, Sector 32, Chandigarh.

3. Counsel for the petitioner submits that Rani unfortunately expired during her treatment. By referring to the deposition of minor, Sonia, PW-1, the eldest child of the petitioner as well as that of Sumanpreet Kaur, PW-2 and Jabree Singh, PW-3, sister and brother-in-law of the deceased, neighbours and landlord, who have been examined as PW-4 to PW-6, counsel urges that all the material prosecution witnesses have in one voice deposed that the deceased was boiling oil in a cooking vessel and when she picked it up from the gas, she slipped and the oil fell on her. Counsel submits that the death of Rani was accidental and the petitioner has been falsely implicated. It is also his argument that although the FIR has been registered on the statement of the deceased, but the statement cannot be read as a dying declaration as it does not fulfill the essential requirements. Still further, he submits that the three children of the petitioner are in an orphanage and there is no adult member in the family to look after them. Counsel submits that as all the crucial witnesses have been examined, petitioner, who is in custody since 04.03.2021 and has clean antecedents, deserves to be enlarged on bail

4. Short reply by way of an affidavit of Assistant Superintendent of Police, Sub Division, Dera Bassi, District SAS Nagar filed on behalf of State-respondent is taken on record. By referring to it, State counsel submits that the petitioner is responsible for the death of his wife. He submits that as per the postmortem report, cause of death of Rani is “septicemia consequent upon burn injury present over the body. Total burn area is approximately 30 percent of the total body surface area”. Still further, he submits that the recovery of the vessel has been effected and it has been found to be burnt from the bottom due to over heating. State

counsel has specific instructions to submit that eight witnesses including Investigation Officer have been examined and some formal witnesses have to be summoned.

5. I have heard counsel for the parties and considered their respective submissions.

6. The veracity of the statement of the deceased, the allegation levelled against the petitioner in the FIR as well as the role ascribed to him would be a subject matter of debate before the Trial Court. All the vital prosecution witnesses including the family relations of the deceased have testified. Petitioner is in custody for the last more than thirty one months. Noticing the above factors and the welfare of the three minor children, who are stated to be in an orphanage, this Court is inclined to accept the prayer made in the petition.

7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

07.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No