

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-45730-2022

Date of Decision:-09.03.2023

GURSEWAK SINGH @ SUKHBIR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Kanwar Inder Singh, Advocate
for the petitioner

Mr.Arun Gupta, AAG Punjab,
assisted by ASI Harvinder Pal Singh

ALOK JAIN, J. (Oral)

The instant petition has been filed seeking grant of regular bail to the petitioner in case FIR No.243 dated 26.11.2021 under Section 306 of IPC, registered at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner submits that the petitioner got married in November 2015 and out of the said wedlock they were blessed with one son namely Gurparamdeep Singh and were happily leading the married life. However, on 22.11.2021, it was the petitioner who informed the complainant that his wife and daughter of complainant had left the matrimonial house at 05:00 AM, without informing anyone. Subsequently, the body of the deceased was recovered from Bhakhra Canal and the petitioner who was initially charged with Section 302 IPC was exonerated and Section 306 IPC was imposed.

Learned counsel for the petitioner submits that even the ingredients of Section 306 IPC are not met and relies upon the judgment passed by the Hon'ble Supreme Court of India in the case of ***"Bhagwan Das vs. Kartar Singh and others"***, 2007(3) RCR (Criminal) 87, to contend that mere harassment of wife by husband due to differences does not attract the

provisions of Section 306 IPC. He submits that in fact in the present case, there is no allegation of demand of dowry for six long years of marriage.

Learned State counsel has filed the custody certificate dated 08.03.2023, which is taken on record. He vehemently opposes the grant of bail and submits that it is a categoric case of the complainant that his daughter was being mentally tortured which was informed to him telephonically many a times and the complainant as a responsible father always counselled the deceased to maintain peace and harmony and the things will get better in due course of time. He further submits that as per the allegations, the complainant in the first instance levelled allegations that the petitioner had, in fact, killed his wife and had thrown the body in Bhakhra Canal and out of the said contention, the factum of body being recovered from Bhakhra Canal came to be true as the body came to be recovered from there on 25.11.2021. He further submits that the complainant has been examined, however, his cross examination is pending for 27.03.2023.

After considering the entire matter and going through the judgment passed by the Hon'ble Supreme Court of India, I do not find any ground that the petitioner has been able to make out a case for grant of regular bail, at this stage.

At this stage, when this Court was not inclined, learned counsel for the petitioner prays for withdrawal of the petition, with liberty to approach this Court again after recording of testimony of the material witnesses.

Accordingly, the petition is dismissed as withdrawn, with liberty as prayed for.

(ALOK JAIN)
JUDGE

09.03.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No