

212

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57158-2023
Date of decision: 7th December, 2023

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. A.P.Singh Chaudhary, Advocate for the petitioner.
Mr. Kunwarbir Singh, AAG, Punjab.
Mr. Sarfaraj Anjum Mor, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
233	17.12.2022	Tibba, District Commissionerate, Ludhiana	306 read with Section 34 of Indian Penal Code, 1860 (for short ‘the Act’)

2. The brief facts of the case relevant for the purpose of disposal of this petition are that on 17.12.2022, on receipt of information regarding unnatural death of a female, a police party headed by HC Sandeep Singh reached at the place on incident, where the victim Rupinder Kaur was found to be lying dead. Gurdeep Singh (complainant) resident of Mohalla Anandpura, Ludhiana recorded his statement that the victim was Rupinder

Kaur @ Ghoni, who was married with the petitioner-Gurpreet Singh(accused) about twelve years back. He was a shipping container driver. He was addicted to intoxicants and from the last five years, he had been harassing and extending beatings to the victim under the state of intoxication. The victim had told about this fact to her family members, but every time, out of fear of society they used to settle the matter in Panchayat and she was sent back to her in-laws house. From sometime, even family members of the petitioner had started harassing and physically assaulting the victim, whenever there was any quarrel between the victim and her husband. On 16.12.2022, at about 8:30 AM, the victim visited the complainant at his house and informed him that she was extended severe beatings by the petitioner on the previous night and he had harassed her by saying that she had not brought anything at the time of her marriage and still her family members did not give anything. She also informed the complainant that the petitioner was telling her to go and hang herself and die. The complainant pacified his sister and left her at her matrimonial house at about 2:30 PM. In the next morning, he received an information about committing suicide by his sister. A case under Section 306 read with Section 34 of the Act was registered. Investigation proceedings were initiated. During investigation, the petitioner was arrested. After completion of necessary investigation and usual formalities, challan was presented in the Court. Presently, he is facing trial for commission of aforementioned offence. He had filed an application for grant of regular bail before the trial Court but the same had been dismissed vide order dated 10.10.2023.

3. Learned counsel for the petitioner has argued that petitioner has been falsely implicated in this case, he is in custody since 21.01.2023; his custodial interrogation is no more required; the statement of complainant has been recorded, there are no chances of his intimidating the witnesses, the trial is likely to take time and that no useful purpose would be served by keeping him in custody. Therefore, it is argued that the petition deserves to be allowed.

4. The contents of the petition have been resisted by State in terms of short reply/status report. It is argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner. Petitioner abetted the suicide of his wife. Prior to her death, the victim had given information about the factum of her being harassed at the hands of the petitioner.

5. Learned State counsel assisted by learned counsel for the complainant has placed on record a pen drive containing two video recordings extracted from the mobile phone of the sister of the victim whereby the victim is shown telling the tales of her woes to her about the harassment meted out at the hands of the petitioner.

6. The recording in this pen drive had been collected during the course of investigation and is part of the challan report. The same has also been seen by this Court and the victim is also shown to be/heard saying that she did not want to live anymore and would die. The allegations as levelled against the petitioner are quite grave and serious in nature, investigation has since been completed. The trial has commenced and there is nothing to show that any undue delay in conclusion of the same. Keeping in view the nature of the subject offence the quantum of sentence which the conviction may

entail and the entire circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed.

7. Hence, the petition is dismissed.

[MANISHA BATRA]
JUDGE

7th December, 2023
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No