

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

202

CRM-M-1501-2024 (O&M)

Date of order: 30.04.2024

Subeg Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Nidhi Gupta, J.

Present is the **second** petition filed by the petitioner under Section 439 of Code of Criminal Procedure (hereinafter referred to as “Cr.P.C.”) seeking grant of regular bail in case FIR No.81 dated 25.08.2021 registered under Section 306 of Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Khalra, District Tarn Taran.

2. FIR in the present case was registered on the basis of statement of the mother of the deceased, which is reproduced hereinbelow:-

“Statement of Geeta wife of Sukhpal Singh resident of Iban Khurd, Police Station Varpal, District Amritsar, aged about 50-51 years, mobile no.98778-73587, stated that I am resident of above said address and is a house wife. I have three sons and one daughter. My one son has died and my daughter Kuljit Kaur aged about 35 years, who was married about 13 years ago with Subeg Singh son of Joginder Singh, resident of

Sidhwan, who is having two sons. My daughter Kuljit Kaur is a house wife and her husband Subeg Singh harassed her all the time and used to beat her. My daughter many times used to come to us at village Iban Khurd and with the intervention of respectable persons who used to send her back but Subeg Singh used to harass my daughter Kuljit Kaur and after beating used to send to us. On 20.08.2021 we were present at our house that we received information on phone that Kuljit Kaur has consumed poisonous substance and is admitted in Rana Hospital, Khalra. That I alongwith my son Bunty reached at Rana Hospital, Khalra where our daughter was admitted. That Kuljit Kaur remained under treatment at Rana Hospital and her condition deteriorated, we took her on 22.08.2021 to Guru Nanak Dev Hospital where my daughter Kuljit Kaur died yesterday on 24.08.2021. That my daughter Kuljit Kaur has committed suicide by consuming some poisonous medicine after being harassed by her husband Subeg Singh son of Joginder Singh resident of Sidhwan. We are aggrieved, action be taken as per law. I alongwith my son was going to inform you that you have met. Statement got recorded, is heard is correct. Sd/- Geeta abovesaid, attested Satnam Singh, ASI, Police: Station Khalra, dated: 25.08.2021.”

3. It is inter alia submitted by learned counsel for the petitioner that the deceased was married to the petitioner about 13 years prior to the date of incident. It is submitted that the deceased and the petitioner were happily married, however, to the utter shock of the petitioner, on 22.08.2021, the deceased consumed poison and committed suicide. It is stated that two children were born out of this wedlock, who are minors and are presently in the house of the petitioner with his brother. Learned counsel further submits that the petitioner is in custody

since 03.08.2022, and there is no parent to take care of his minor sons. Trial will take long time, and accordingly, prays for grant of regular bail to the petitioner.

4. Learned State Counsel files custody certificate dated 29.04.2024, which is taken on record. As per the custody certificate, the petitioner has been in custody for 1 year and 9 months as under trial.

5. Learned State Counsel opposes the prayer made on behalf of the petitioner; and on instructions from ASI Gunan Singh informs this Court that as per the Post-Mortem Report and Chemical Examination Report, poison has been detected in the samples received of the deceased. It is also submitted that out of total 18 prosecution witnesses, only 1 i.e. the complainant has been examined so far, who has supported the prosecution case.

6. I have heard learned counsel for the parties.

7. Without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the present case, including the fact that as per the custody certificate, the petitioner is behind bars for the last 1 year and 9 months; there is no other case against the petitioner; the fact that out of 18 prosecution witnesses, one 1 has been examined so far; conclusion of trial will take time; both the children are living in the house of the petitioner with his brother; and no useful purpose would be served by further detention of the petitioner; present petition is **allowed**. Petitioner namely Subeg Singh s/o Joginder Singh, is directed to be released on regular bail on his furnishing bail and

surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

9. Pending application(s) if any also stand(s) disposed of.

30.04.2024

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No