

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-5464-2024

Date of Decision: 08.02.2024

Kuldeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 2nd petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 21 dated 20.02.2021 registered under Sections 304-B, 498-A/34 and 201 IPC (offence under Section 201 IPC added later on) at Police Station Lohian, District Jalandhar (Rural).

The aforesaid FIR was registered on the basis of statement of father of the deceased/father-in-law of the petitioner which is reproduced as under:-

“Statement of Beera son of Buta Singh resident of Doda Wazir P.S. Talwandi Chaudharian District Kapurthala aged 50 years mobile No. 81988-48645. Stated that I am resident of above address and to agricultural and labour work. I have two sons and one daughter. My younger son Arshdeep Singh had died due to accident. My son elder to him is Jinder @ Jagga and may daughter’s name is Amandeep Kaur whose marriage was solemnized about 2 years ago with Kuldeep Singh son of Fuman Singh resident of village Gidderpindi (Station Basti). The in-laws family of my daughter ofent used

to harass her for dowry. Her mother-in-law Joginder Kaur used to taunt her due to no child having taken birth and used to say that you also have a share in the land which your father owns and you get your share and if you do not bring your share then we will keep harassing you. About one week ago they had harassed my daughter for dowry and told her that your father has received money from the shagun scheme at the time of marriage and you should get your share from the same. We had a buffalo which we had sold few days back and the in-laws family used to tell my daughter to get her share from the money received by your father on selling buffalo. Then we had come to their house with respectable persons. There the respectable persons of village Gidderpindi and Sarpanch Kulwant Singh were also present. They made us understand and got affected a compromise. Few days ago my son-in-law Kuldeep Singh called me on phone and said that if your daughter cannot bear a child then you should give me money for her treatment and also travelling expenses. When my son in law was saying this to me then my Joginder Kaur was saying loudly from behind that if you do not bring money then you will see your daughter dead. I did not realize that they will really kill my daughter. I told my son in law to make me talk to Amandeep Kaur but he did not allow me to talk to my daughter. Today somebody called me on phone and said that your daughter has committed suicide by hanging herself. Her dead body is hanging from the ceiling. At about 3:30 PM I along with my relatives came and brought down the dead body of my daughter Amandeep Kaur and put the same on the cot and left behind Shinder Kaur wife of Jaswant, Kulwinder Kaur wife of Santhok Singh resident of Doda Wazir for sake keeping and along with Pishore Singh son of Avtar Singh resident of Farid Sarai, village Sultanpur Lodhi was coming to give information but have met you. I have suspicion that my son in law Kuldeep Singh, mother-in-law Joginder Kaur, father-in-law have compelled my daughter Amandeep Kaur to commit suicide.....”

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was married to the deceased and after about 02 years of the marriage, the deceased had committed suicide on 20.02.2021. It is the contention of learned counsel for the petitioner that deceased was unable to conceive and was undergoing fertility treatment. As such, the deceased was under depression for not being able to bear a child and, therefore, she had committed suicide. It is submitted that co-accused of the petitioner,

namely Phuman Singh and Joginder Kaur, parents-in-law of the deceased have already been granted the concession of regular bail vide orders dated 14.12.2022 and 13.07.2023 passed by a co-ordinate Bench of this Court in CRM-M Nos. 57514-2022 and 17754-2023 (Annexures P-3 and P-4, respectively). It is further submitted that the petitioner has been in custody since 21.02.2021 i.e. for the last almost 03 years. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Learned counsel for the State has filed custody certificate dated 07.02.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 02 years, 11 months and 19 days. Learned counsel for the State while vehemently opposing the prayer for grant of regular bail to the petitioner has referred to the specific allegations made by the complainant in FIR (Annexure P-1) to the effect that the petitioner had called the complainant few days before the incident and told him that his daughter cannot bear a child and asked him to pay money for her treatment along with travelling expenses. It is, however, admitted that out of total 25 prosecution witnesses, 10 have been examined so far, including the complainant.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case; including the custody period undergone by the petitioner; and the fact that custody certificate shows that there is no other case against the petitioner; and also the fact that co-accused of the petitioner i.e. parents-in-law of the deceased have

already been granted the concession of regular bail by a co-ordinate Bench of this Court vide orders Annexures P-3 and P-4; and the fact that conclusion of trial will take considerable time, therefore, no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Kuldeep Singh S/o Phuman Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

08.02.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No