



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-8014-2024 (O&M)

Date of Decision: 27.11.2024

Jasvir Singh and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipin Mahajan, Advocate for the petitioners.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Prabhjot S. Waraich, Advocate
for the complainant through V.C.

NIDHI GUPTA, J. (ORAL)

Prayer in this 1st petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioners in case FIR No. 06 dated 21.01.2024 registered under Sections 306 and 120-B IPC at Police Station Batala, Police District Batala, District Gurdaspur, Punjab.

On the last date of hearing i.e. 11.07.2024, when this case was listed for hearing, following order was passed by this Court:-

“CRM-27413-2024

Application is allowed, as prayed for.

Additional documents Annexures P-6 to P-8 are taken on record, subject to all just exceptions.

CRM-M-8014-2024

On the last date of hearing i.e. 15.02.2024, when this case was listed for hearing, following order was passed by this Court:-



“Prayer in this 1st petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioners in case FIR No. 06 dated 21.01.2024 registered under Sections 306 and 120-B IPC at Police Station Batala, Police District Batala, District Gurdaspur, Punjab.

Learned counsel for the petitioners, inter alia, submits that petitioner No. 1-Jasvir Singh is the father-in-law and petitioner No. 2-Harjiwan Kaur Dhindsa is the mother-in-law of the deceased. It is stated that deceased was the Permanent Resident (PR) of Canada. She had come to India and solemnized marriage with co-accused/son of the petitioners, namely, Gurpreet Singh on 30.01.2023, as is evident from marriage certificate dated 30.01.2023 (Annexure P-2). After one week of the marriage, the deceased went back to Canada; and returned to India on 08.12.2023, whereupon she had gone to her parental house directly where she consumed poison on 19.01.2024 and ultimately, died on 21.01.2024. It is further submitted that during the interregnum, the deceased had not resided with the present petitioners in her matrimonial home. Even the allegations made in the FIR against the present petitioners are only to the extent that they were present at the time of marriage of deceased with their son-Gurpreet Singh and mainly, the allegations are levelled against co-accused Amritpal Singh/other son of the petitioners herein. Nothing has to be recovered from the petitioners, therefore, their custodial interrogation is not required. The petitioners are ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon them.

Notice of motion.



On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State; whereas Dr. Khushbir K. Bhullar Waraich, Advocate has put in appearance on behalf of the complainant and submits her Vakalatnama, which is taken on record.

Learned counsel for the complainant vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submits that it is the petitioners who have forced the deceased to marry their son-Gurpreet Singh, as they wanted him to get Permanent Resident (PR) of Canada as the deceased was PR of Canada. However, she admits that the main allegations are against co-accused-Amritpal Singh (other son of the present petitioners).

On instructions from ASI Daler Singh, learned counsel for the State also submits that the petitioners have actively participated in the whole incident, as they were not permitting the deceased to take divorce from their son-Gurpreet Singh. Learned State counsel seeks time to file an affidavit/status report as to the exact role of the petitioners along with the details of pending FIRs, if any.

Adjourned to 11.07.2024.

In the meantime, no coercive action shall be taken against the petitioners.”

Learned counsel for the petitioners reiterates the submissions as made here-in-above and submits that petitioners are willing to join the investigation and would render full co-operation with the Investigating Agency.

Learned counsel for the complainant vehemently opposed the submissions of learned counsel for the petitioners and submits that the petitioners forced the deceased to marry their son and thereafter, they did not permit the deceased to take divorce from their son,



therefore, they have actively participated in the commission of crime.

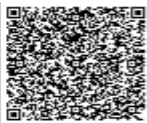
Learned counsel for the State has brought attention of this Court to the averments made in para 6 (at page 5) of the reply wherein as per the opinion of the doctor obtained from Civil Hospital, Bathala, the cause of death was consumption of 'Aluminium Phosphide'.

On instructions from ASI Dilbagh Singh, learned counsel for the State informs that after completion of investigation, challan has been presented before the learned trial Court, however, charges are yet to be framed.

In view of the above, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i. that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;*
- ii. that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii. that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.*

Adjourned to 27.11.2024."



Learned counsel for the petitioners submits that in compliance of the order dated 11.07.2024 passed by this Court, the petitioners have joined investigation on 22.07.2024.

Learned counsel for the State, on instructions from HC Raman Kumar, submits that the petitioners have joined investigation on 22.07.2024 and vide General Diary No. 31 dated 27.11.2024, the petitioners have been declared innocent. A copy of the said General Diary has been handed over in Court today, which is taken on record.

In view of the above, the order dated 11.07.2024 granting interim bail to the petitioners is made absolute.

However, the petitioners will abide by the conditions stipulated under Section 438(2) Cr.P.C. They will also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

27.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No