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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12727-2024 (O&M)

Date of Decision: 16.04.2024

SUKHWINDER SINGH @ SONU

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.12 dated 01.02.2022, registered for the offences punishable under Sections 304-B/34/201 IPC at Police Station Julkan, District Patiala.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“At this time, a written complaint has been received through PHG Gurnam Singh 30224 in the police station, by SI Baljeet Singh 2012/Patiala, P.S. Julkan, from Deep Singh s/o Gurdial Singh, r/o Village Bir Sujra, District Kurukshetra, Haryana, for registering a case u/s 304 B, 34 of IPC, against Sukhwinder Singh alias Sonu s/o Tarsem Singh, Tarsem Singh s/o Jeet Singh, Meena Rani w/o Tarsem Singh, Ravi Singh s/o Tarsem Singh, residents of Village Barkatpur, P.S. Julkan, the detail of which is as, "statement of Deep Singh s/o Gurdial Singh, r/o Village Bir Sujra, P.S. Babain, Distt. Kurukshetra, Haryana, aged about 52 years, Mobile No. 97292-46705, stated that I am resident of the abovementioned address and working as a building contractor and the Chairman of Block Samiti, Babain. My niece (bhanji) Shobha Kaur d/o Amrik Singh s/o Jeet Singh, r/o Village Lohara, P.S. Ladwa, District Kurukshetra, was got married on 25.10.2021 as per Sikh rites & ceremonies at Gurduwara Village Kalwan, near Babain, with Sukhwinder Singh alias Sonu s/o Tarsem Singh, r/o

Village Barkatpur, P.S. Julkan, at the Aalishan Marriage Palace Babain. At the time of marriage of our niece Shobha Kaur, we had given the dowry articles beyond our capacity to her in-laws family i.e. mother-in-law Meena Rani, father-in-law Tarsem Singh, husband Sukhwinder Singh and brother-in-law Ravi, Singh, which consists of one motorcycle make Super Splendor, Seven seater sofa set, fridge, washing machine, branded almirah, branded mattresses, LCD, cooler, gold chain and gold ring for the married boy, gold ring to father-in-law, gold ring for the maternal grandfather (nana), gold earrings for grandmother (dadi), silver kara to brother-in-law Ravi and expensive foreign watch, utensils, 101 pair of clothes, including other routine household articles etc were given as dowry. After a few days of marriage of my niece Shobha Kaur, her in-laws family had started to harass her for not giving car and started taunting that your parents had not given the car in the dowry. I came to know about that thing and then I called to the maternal Nagar (Navangaon), Rajpur on his mobile No.99157-43303 from my mobile No. 97292-46705 and informed him about the demand of car just a few days after the marriage and told him to tell them not to harass the girl and I also told that the day he gets a Government job, I' will get him a car from my side. On dated 31.01.2022, my aunt's son Baldev Singh s/o Bachan Singh, r/o Bahadpur Fakiran alias Channa, had intimated through phone that Shobha Kaur had expired, so that I alongwith my brother-in-law Amrik Singh and other relatives, go to the in-laws house of my niece Shobha Kaur at Village Barkatpur, P.S. Julkan, when I reached there, I saw that the dead body of my niece was hanging with the ceiling fan, whose neck was tied to a fan after getting a leaf (parna) around her neck, whose feet were touching the floor and whose tongue was not even out. We are very much sure that due to non-fulfillment of the demand of car, the husband Sukhwinder Singh, mother-in-law Meena Rani, father-in-law Tarsem Singh and brother-in-law Ravi Singh, has got murdered my niece Shobha Kaur by strangulating her. In front of my brother-in-law Amrik Singh, I have got written my statement with you, what is heard, read and found correct, appropriate legal action be taken. Sd/ Jeet Singh, Sd/- Amrik Singh, verified by Sd/- Baljeet Singh, P.S. Julkan, Dated: 31.01.2022."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 01.02.2022. Learned counsel for the petitioner has further argued that in the challan put up against the petitioner total 30 PWs have been cited and only examination-in-chief of 1 prosecution witness has been done whereinafter an application under Section 319 Cr.P.C. has been preferred by the prosecution for summoning of Ravi Singh as an additional

accused on 12.10.2023. Learned counsel for the petitioner has further argued that no substantial evidence has been brought on record to indicate that any maltreatment was meted out to the deceased on account of dowry by the petitioner or his family members. Learned counsel for the petitioner has further argued that father-in-law (Tarsem Singh) and mother-in-law (Meena Rani) were granted the concession of regular bail by this Court vide orders dated 15.09.2023 and 21.08.2023 passed in CRM-M-13057-2023 and CRM-M-39621-2023 respectively. Learned counsel has argued that culmination of trial will take its own time. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 01.02.2022 whereinafter investigation was carried out & challan was presented on 02.05.2022. Total 30 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention made by learned counsel for the parties as to whether any evidence is available regarding any mal-treatment being meted out on account of dowry by the petitioner or his family members shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 16.04.2024 filed by the learned State counsel, the

petitioner has suffered incarceration for more than 2 years and 2 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

16.04.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No