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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21940-2023 (O&M)

Date of decision: 21.02.2024

Simranjit Singh @ Gurinderjit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. M.S. Khaira, Sr. Advocate with
Ms. Jaswinder Singh, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

CRM-3088-2024

Heard.

Allowed as prayed for.

CRM-M-21940-2023

1. This is the second petition petition filed by the petitioner under
Section 439 Cr.P.C. for grant of regular bail to the petitioner in case having
FIR No.21 dated 02.03.2023, under Sections 304 and 120-B of IPC, at
Police Station Sadar Lohian, District Jalandhar.
2. The FIR in this case was registered on the basis of statement of

complainant Balwinder Singh wherein he is stated that his daughter Sarabjit Kaur was engaged with petitioner Simranjit Singh @ Gurinderjit Singh about 3 years back but subsequently, the said engagement was broken as other members of the family of the petitioner disapproved the said alliance. But petitioner remained in contact with Sarabjit Kaur daughter of the complainant. About 15 days back, petitioner performed marriage with another girl at Kapurthala and Sarabjit Kaur raised objection to said marriage. On the day of incident, Sarabjit Kaur went to attend tuition classes in Sultanpur Lodhi. Thereafter, complainant received information from Jossan Hospital, Lohian that his daughter met with an accident and on this complainant rushed to said hospital where his daughter was found lying dead. On enquiry, complainant came to know that petitioner took his daughter Sarabjit Kaur from Sultanpur Lodhi towards Lohian in his car number PB-09-AL-8797 and committed a fake accident by hitting his car from left side in a tree and then petitioner and other member of his family took injured Sarabjit Kaur to Jossan Hospital and then they left the hospital and also took away mobile phone of Sarabjit Kaur. The complainant suspected that the said accident was planned by the petitioner in order to get rid of Sarabjit Kaur from his life. The petitioner was arrested during the investigation of the case.

3. The senior counsel for the petitioner *inter alia* submits that there was no intention on the part of the petitioner to cause any harm to Sarabjit Kaur. It is further submitted that the allegations in FIR if taken at their face value also *prima facie* shows that it was a case of accident which resulted in death of Sarabjit Kaur. The counsel for the petitioner while referring to medical record of the petitioner submits that even petitioner also

suffered severe injuries in the said accident and his ribs were fractured. The counsel for the petitioner further submits that during trial complainant has been examined but it will take considerable time for the trial to complete. That in the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. The present petition is resisted by the State counsel as well as the Senior counsel appearing on behalf of the complainant, both of whom have argued that on the day of incident, petitioner intentionally took Sarabjit Kaur along with him in his car and struck the left side of the said car against a tree with intention to cause physical harm to Sarabjit Kaur. It has been further contended that it was pre planned act on the part of the petitioner and that the petitioner is not entitled to get benefit of regular bail.

5. The State counsel has not disputed the fact that after completion of investigation, police presented challan and charges were framed and complainant stands examined during the trial, but otherwise the trial is at its initial stage.

6. I have considered the submissions made by counsel for the parties.

7. As per the custody certificate, the petitioner is in custody for the last about 1 year and is having no criminal history. Apparently, it appears that petitioner also suffered various fractures of ribs at the time of incident which resulted in death of Sarabjit Kaur. During trial, the complainant is already examined, so there is no apprehension that if released on bail, the petitioner is going to influence the said material witness. It is a matter of evidence as to whether it was just a motor vehicle

accident which resulted in death of Sarabjit Kaur or the case is covered under Section 304 IPC as has been alleged by the prosecution. Undoubtedly, it will take time for the trial to culminate. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner behind the bars for any longer period.

8. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned, if not required in any other criminal case.

21.02.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No