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

CRM-40933-2024 in/and
CRM-M-21629-2024
Date of decision: 25.10.2024

Ravinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)**CRM-40933-2024**

The present application has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record copies of evidence of PW-1 and PW-2 before this Court as Annexures P-3 & P-4.

In view of the averments made in the application, the same is allowed and copies of evidence of PW-1 and PW-2 before this Court as Annexures P-3 & P-4 are taken on record subject to all just exceptions.

CRM-M-21629-2024

The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in case bearing FIR No.111 dated 05.08.2023 under Section 306 of IPC registered at Police Station Sadar Raikot, District Ludhiana (Annexure P-1).



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The FIR (*supra*) was registered on the statement of the complainant by alleging that his sister, namely, Tamana was married to Ravinder Singh (the petitioner herein) on 14.04.2022 and was 09 months pregnant at the time of her death. It is further alleged that the accused/petitioner used to quarrel with her and the deceased used to inform about the same to her mother. The complainant along with her mother tried to reconcile with the accused/petitioner but he did not mend his ways and on 04.08.2023 at around 09:30 P.M., his mother received a telephonic message that her daughter had consumed some poisonous substance and due to her serious condition, she had been referred to DMC, Ludhiana, where during her treatment, she died. It is further alleged that the accused/petitioner had given some medicines or due to his bad behaviour with her, the victim had consumed some medicine and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that he has been falsely implicated in the present case and there is no allegation in the prosecution case that the petitioner has ever subjected his deceased/wife to any harassment on account of demand of dowry. Further, the factual ingredient constituting abetment within the meaning of Section 107 of IPC is missing. There is no evidence to remotely suggest that immediately before the death of the victim, the petitioner has taken active steps which has proximity with the suicide of the deceased. He further submits that the material witnesses including the complainant and the mother of the deceased have been examined. Even the perusal of their testimony would also show that there are no



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allegations of abetment and the petitioner is behind the bars since 05.08.2023 and is not involved in any other case.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that the petitioner is the main accused and being husband, he is responsible for driving his wife to commit suicide. However, he could not controvert the fact that the petitioner is not involved in any other case.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the



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record of the case, it transpires that the petitioner is behind the bars since 05.08.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 03 out of 10 prosecution witnesses have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Ravinder Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

**(HARPREET SINGH BRAR)
JUDGE**

25.10.2024
Neha

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