

PREM SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sartaj Singh Gill, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No. 68 dated 20.05.2023, under Section 306 and 201 IPC, registered at Police Station Ghuman, District Batala, Panipat.
2. Learned counsel for the petitioner *inter alia* contends that there was no dispute inter se the petitioner-husband and the deceased-wife in 20 years as the petitioner was married to the deceased 20 years ago. No complaint was made during this period to any of the authorities. Even the cremation was attended by the complainant i.e. the mother of the deceased. However, due to an afterthought, the present FIR has been registered belatedly against the petitioner and even against the children of the petitioner. The ingredients necessary for the offence under Section 306 IPC

are not made out.

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3. Notice of motion has already been issued on 07.05.2024.
4. Learned State counsel has shown the records and opposed the bail application.
5. I have considered the aforesaid contentions and perused the records.
6. As per the version of the complainant-mother of the victim, the victim was married with the petitioner about 20-22 years ago. On 20.05.2023 in the middle of the night, at about 1:00/2:00 A.M. the petitioner made a phone call to the complainant and informed that the victim had died due to an attack. The petitioner along with other relatives reached at the spot in the morning at about 7 A.M. However, the petitioner did not allow the complainant to see the face of the deceased properly and further insisted upon the stand that she has died due to an attack. It is further in allegation that the complainant could see the dead body and found that there was a strangulation mark on the neck of the deceased.
7. Learned State counsel, on instructions from ASI Balbir Singh, has further informed that some photographs have been taken into possession. The State counsel has also shown the investigation file, as per which, a memo dated 21.05.2023 has been prepared, as per which the said photographs are alleged to have been handed over to the investigating agency and the complainant has stated that she clicked the said photographs when the dead body was lying on the cot before cremation.
8. I have perused the said photographs. There is a mark on neck of the victim-deceased.

9. It is also in allegation against the petitioner that when the complainant had disputed about the cause of death as an attack, but insisted that victim appears to have died on account of the strangulation, the dead body was cremated by the petitioner-husband and her family members without giving a bath to the body.

10. The complainant is alleged to have informed about the occurrence immediately to Malkit Singh, Sarpanch of the village. As per the police zimni dated 20.05.2023 which has been shown by the State counsel with the help of ASI Balbir Singh, even the Sarpanch Malkit Singh was accompanying the complainant, when the matter was reported to the Police. It is further pointed out that the matter was reported on the same day when the death took place and the body was cremated.

11. Keeping in view the circumstances, the investigation is at the nascent stage. No ground is made out to release the petitioner on pre-arrest bail. Consequently, the present petition stands dismissed.

18.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No