

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

CRM-M-22509-2024
Date of decision: 10.05.2024

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sankalp Sagar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.0077 dated 12.11.2021 under Sections 306/34 of IPC registered at Police Station Sadar Budhlada, District Mansa.

The FIR (*supra*) was lodged on the statement of complainant- Kewal Singh son of Naranjan Singh that his sister, namely, Paramjit Kaur (now deceased) had been married to Darshan Singh son of Sukhdev Singh for the last 16 years and they were blessed with two sons. After four years of marriage, his sister was being continuously harassed by her husband, namely, Darshan Singh and her father-in-law, namely, Sukhdev Singh. It is further alleged that many times, she expressed her grief that her husband and father-in-law forced her to do wrong acts with them and others. Thereafter, the mother of the complainant got a call from her sister that Kewal Singh (the petitioner herein), who is son of Darshan Singh's uncle (*chacha*) was kicking outside the house and asking to



CRM-M-22509-2024

-2-

open the gate by saying that her husband sent him to look after her. After being informed all this, the complainant, his mother and father along with his nephew went to matrimonial house of his sister at Dodra where they found her lying unconscious on the bed. It is further alleged that she had died owing to the harassment of her husband, father-in-law and Kewal Singh (the petitioner herein) and thus, the present FIR was registered.

Learned counsel for the petitioner *inter alia* contends that petitioner is the cousin brother of Darshan Singh, who is husband of the deceased and he is 74 years of age and is living separately. The deceased was married 16 years ago and she was blessed with two sons and all the allegations contained in the FIR are highly improbable and unbelievable and in the last 16 years, there was no complaint ever made by the complainant before the jurisdictional police authorities or any respectable members of the society or *Panchayat* and petitioner is behind the bars since 15.11.2021. He further submits that similarly situated co-accused, namely, Sukhdev Singh, who is father-in-law of the deceased was granted the concession of regular bail by this Court in CRM-M-44359-2022 (O&M) titled as 'Sukhdev Singh Vs. State of Punjab' decided on 01.06.2023.

Per contra, the learned State counsel has vehemently opposed the grant of regular bail to the petitioner on the ground that there are serious allegations against the petitioner *qua* harassment to the deceased and he played a vital role in compelling the deceased to commit suicide. However, he could not controvert the fact that the petitioner is not involved in any other case and the material witnesses have already been examined.

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 record of the case, it transpires that the petitioner is behind the bars since 18.11.2021 and similarly situated co-accused, namely, Sukhdev Singh, who is father-in-law of the deceased was granted the concession of regular bail by this Court in CRM-M-44359-2022 (O&M) titled as ‘Sukhdev Singh Vs. State of Punjab’ decided on 01.06.2023. 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 16 out of 21 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

**CRM-M-22509-2024****-4-**

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-Kewal 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

10.05.2024*Neha*

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