



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

**CRM-M-25314-2024
Date of decision: 23.05.2024**

PARGAT SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deep Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab &
Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. This is first petition filed under Section 439 of Code of Criminal Procedure praying for grant of concession of regular bail pending trial in case FIR No.13 dated 20.02.2024 registered under Sections 306, 34 of Indian Penal Code (subsequently offence under Section 34 IPC was deleted) at Police Station Joga, District Mansa.

2. The present FIR was lodged on the statement made by Harwinder Singh @ Happy son of Jaspal Singh on the allegations that his sister Sohajdeep Kaur @ Bant Kaur (deceased) was married about 17 years ago with Pargat Singh (petitioner herein). Two children were born out of this wedlock. Elder daughter Anureet Kaur is about 15 years of age and son Gurarpan Singh is about 11 years of age. At the time of marriage, they had given all required household items as per their capacity, however, after the marriage, petitioner



and his parents started harassing and beating the deceased-Sohajdeep Kaur. Due to that reason, the deceased used to come to Tapa at her parental house. The respectable of Bhopal Khurd used to take her back to Bhopal Khurd at their responsibility. The deceased-Sohajdeep Kaur was leading life after bearing the beatings of the petitioner and his parents. The deceased-Sohajdeep Kaur used to talk about this with the complainant and his family. Petitioner and his parents used to harass mentally to the deceased-Sohajdeep Kaur. On 19.02.2024 at about 3:00 PM afternoon, the complainant received a phone call from his maternal uncle Jagtar Singh, who told him that deceased-Sohajdeep Kaur committed suicide by hanging herself and ended her life, whose dead body is lying in her house at village Bhopal Khurd.

3. Learned counsel for the petitioner *inter alia* contends that marriage of the petitioner with the deceased took place 17 years ago and there was no complaint either by the complainant or the deceased with regard to any cruelty or harassment done by the petitioner or his family members and during investigation, the investigating agency has declared father and mother of the petitioner innocent. Learned counsel submits that no specific instance is given which could be termed as instigation within the meaning of Section 107 of the Indian Penal Code. As such, the petitioner cannot be held liable for an offence under Section 306 Indian Penal Code. The investigating agency has already concluded the investigation and has submitted the final report under Section 173 Cr.P.C. and all the witnesses are close relatives of the deceased and are highly interested in the prosecution case.

4. Per contra, learned State counsel opposes the grant of regular bail to the petitioner on the ground that petitioner is the main accused and there are allegations of harassment and beating of the deceased by the petitioner. As



such, he is not entitled to be released on bail. Custody certificate filed by the respondent-State is taken on record.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the investigating agency has already concluded the investigation. The trial of the case is likely to take long time to conclude as there are total 21 prosecution witnesses. Further incarceration of the petitioner, without there being the prospect of the conclusion of the trial, in the near future, would be violative of his rights under Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.

6. 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."

7. In view of the above, the present petition is allowed and the petitioner-Pargat 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.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed strictly in accordance with law, without being prejudiced by observations of this Court.

May 23, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No