



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

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CRM-M-26968-2024**Date of decision: May 31, 2024**

KULDEEP GIR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.43 dated 03.03.2021 (Annexure P-1) under Sections 307, 506 of the Indian Penal Code, 1860 (and Sections 302, 201, 120-B of the IPC added later on), registered at Police Station Sadar Patiala, District Patiala, after the previous petition filed by the petitioner was dismissed as withdrawn on 21.02.2024.

2. Learned counsel for the petitioner has submitted that two contradictory statements of the deceased are forthcoming in the instant case. The first one, which was recorded before the Investigating Officer on being admitted in PGIMER Chandigarh, was to the effect that it was a case of accidental fire, however, subsequently, the deceased made a second statement, wherein it was stated that there had been a quarrel between her and her husband i.e. the present petitioner over the purchase of a mobile handset. Thereafter, on account of the deceased having told her husband not to make unnecessary

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purchase in view of the fact that they had young children, the petitioner, feeling offended, had poured kerosene oil on her, while she was lying on her bed and set her ablaze. Learned counsel submits that it is, thus, evident that an embroidered version had been brought forth against the petitioner in the FIR in question at the instance of the family of the deceased.

3. Learned counsel has also submitted that had it indeed been a homicidal case of burning, as had been alleged by the deceased in her second statement, some traces would have been found at the place of occurrence, which however were missing in the present case. Learned counsel has further submitted that the petitioner had been in custody since 06.03.2021 and till date, the trial has not concluded as only 4 witnesses out of the 17 cited by the prosecution have been examined. A prayer has, therefore, been made for extending the concession of bail to the petitioner as the possibility of the trial concluding in the near future does not arise. Learned counsel has also brought to the notice of this Court that despite issuance of non-bailable warrants, the prosecution witnesses have not put in appearance in the preceding four dates before the learned trial Court.

4. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, at the outset, has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinbelow:-

“Aarti wife of Kuldeep Gir, resident of village Badali, PS Sadar Patiala, District Patiala, aged 24 years, mobile No.90347-98047, recorded by ASI Nishan Singh 1231/PTA, Incharge, Police Post Bhunerheri, PS Sadar Patiala, has been received at the police station, through PHG Dilbag Singh 18413, for registration of case,



under Sections 307, 506 IPC, against Kuldeep Gir son of Nachhattar Gir, resident of village Badali, PS Sadar Patiala, District Patiala. The statement reads as follows, "At 05:00 p.m. it is recorded that at this time, I ASI, alongwith my fellow officers, have reported back at police post from PGI Chandigarh after recording the statement of Aarti wife of Kuldeep Singh, resident of village Badali, PS Sadar Patiala, district Patiala. The same reads as follows, "Stated that I am resident of aforesaid address. I am household lady. I and my sister Pooja wife of Sukhwinder Gir son of Nachhattar Gir, resident of village Badali are both married at the same house. I have two children. The name of my elder daughter is Tanvi, who is aged 04 years. The name of my younger daughter is Noorpari. She is aged 2 years 6 months. On dated 11.02.2021, at about 01:30 p.m., my husband Kuldeep Gir came back home after purchasing a mobile phone, with touch-screen, for Rs.Fifteen thousand. I said to him that we have small children to support, why you have purchased a costly phone. My husband said that I am supposed to go with combine harvesting machine, you should teach me how to operate the touchscreen phone and I taught my husband how to operate the touchscreen phone. During evening my husband went out of the house and after sometime he returned back. I was inside my room that my husband bolted the door from inside and he started beating me. I apologized to him and said that now onwards I would never say that you spent too much money. On this, my husband again went out of the house and I cooked meals for my children. At about 07:00/08:00 p.m. my husband came back to home after consuming liquor and he said that I have been married to a quarrelsome lady. He told this to my brother-in-law (JETH) Sukhwinder Gir, who said to my husband that what you would do with such a lady. Saying so, my brother-in-law (JETH) Sukhwinder Gir went out of the house on his motorcycle alongwith his son. Then my husband said to me that



you should play songs on the mobile phone for me to listen. Due to poor range inside the room, the songs would stop midway. Being harassed by my husband, I went to my bed and pulled the quilt over me. At about 11:00 p.m. my husband Kuldeep Gir spilled the bottle of petrol upon me and upon the mattress laid upon the bed. When the oil seeped under me then I felt wet. I looked out of the quilt and in the meantime, my husband lit the lighter and he put me on fire. He locked the main gate, jumped over the boundary wall and ran away. I raised the RAULA of "MAARTI MAARTI". Upon hearing my noises (RAULA) my sister-in-law Pooja jumped over the wall from her adjoining house and came inside my house. She covered me with the quilt and doused the fire. Being put on fire my clothes got burnt. I jumped over the wall, went to the house of my sister, put her suit and being afraid, we ran away to the house of Pala Gir. His son Pawan Gir shifted me to Rajindra Hospital, Patiala for treatment in his vehicle. On dated 12.02.2021, I was referred from RH Patiala to PGI, where I am under treatment. I have got recorded my statement, the same is correct. Necessary action may be initiated. He is issuing threats B to kill my family. Sd/- Aarti."

5. Learned State counsel has submitted that the seat of burn injuries, which are all over the body of the deceased, fully corroborates the allegations levelled against the petitioner, which are contained in the above-reproduced extract of the FIR. It has been further submitted by the learned State counsel, on instructions, that no doubt, the material witnesses stand examined i.e. the father and the sister of the deceased, however, they have not only supported the case of the prosecution in its entirety, but the one fact that cannot be lost sight of is that the sister of the deceased was a witness to the occurrence as she was married to the brother-in-law of the deceased. Learned State counsel has



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submitted that in the facts and circumstances, coupled with the contents of the dying declaration of the deceased, the petitioner does not deserve the concession of bail.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to accept the prayer of the petitioner for being extended the concession of regular bail.

8. Accordingly, the instant petition stands dismissed.

9. The learned trial Court is directed to expedite the trial and conclude it expeditiously, preferably within the next four months.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 31, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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