

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-27705-2023
Date of decision: 31.01.2024

Gurjot Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Suneel Sharma, Advocate,
for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.39 dated 23.02.2023, registered for the offences punishable under Sections 306, 34 of IPC (Section 149 IPC & Section 120-B IPC added subsequently) at Police Station Sadar Kharar, District SAS Nagar, Mohali.

2. The case set up in the FIR in question is as follows:-

“Copy of statement, Statement of Hardeep Singh son of S. Jagdev Singh resident of Village Raipur Mandala Police Station Sadar Patiala District Patiala, aged about 50 years, 94635-53799, Stated that I am resident of the above mentioned address and use to do agriculture work. Approximately 30 years ago, my marriage was solemnized with Kulwinder Kaur, out of the said wedlock, I have three children, eldest of all is Gurjeet Singh aged about 27/28, who is still bachelor, younger to him is daughter Kiranpreet Kaur aged about 26/27 years, Youngest of all is Harinder Singh aged about 22/23 years, who is bachelor as of

now. The marriage of my daughter Kiranpreet Kaur was solemnized on dated 23.01.2022 with Gurjot Singh son of Dharam Singh resident of Naneola, Police Station Nangal, District Ambala (HR). It was approximately 1 year and one month has passed to the marriage of my daughter, who was not having any child. After passing of approximately 2 months of marriage of my daughter Kiranpreet Kaur her husband Gurjot Singh son of Dharam Singh and her father-in-law Dharam Singh son of Mehar Singh and her mother-in-law Kuldeep Kaur wife of Dharam Singh all residents of Naneola Police Station Nangal District Ambala (HR) have started harassing and beating her. My daughter and her husband from approximately 10/11 months have been living in JVT Sunny Enclave, Kharar in Flat No.002 Tower V on rent. On dated 21.02.2023, my daughter was left by her father-in-law and brother-in-law to our village Raipur Mandla. Then on dated 22.02.2023 my daughter Kiranpreet kaur has come from village Raipur Mandala to her rented flat JVT. After coming there, my daughter Kiranpreet Kaur, on dated 22.02.2023 being harassed from her husband Gurjot Singh, father-in-law Dharam Singh, mother-in-law Kuldeep Kaur, who used to beat her and used to harass her, after being tortured by them forced my daughter to die. Due to which my daughter Kiranpreet Kaur hanged herself with the ceiling fan by tying dupatta in her neck and ended her life. Therefore, legal action may kindly be taken against my daughter's husband Gurjot Singh son of Dharam Singh, father-in-law Dharam Singh son of Mehar Singh, mother-in-law Kuldeep Kaur wife of Dharam Singh residents of Naneola Police Station Nangal District Ambala (HR). I have got recorded my statement to you, heard and it is correct. SD/- Hardeep Singh verified Kulwinder Singh ASI Police Station Sadar Kharar Dated: 23.02.2023. Police Action: Yesterday on dated 22.02.2023, MHC Police Station Sadar Kharar received message through telephone from Max Hospital, Phase- 6, Mohali that Kiranpreet Kaur wife of Gurjot Singh resident of H.No.V-002 JVT Kharar due to hanging herself, reached hospital brought dead. Action may be taken. On which today, on dated 23.02.2023, I, ASI along with Constable

Vikramjit Singh 2057/SAS Nagar and PHG Rajinder Singh for taking action, reached Max Hospital Phase 6 Mohali, where father of deceased, Hardeep Singh by coming present before me ASI, got recorded his above statement, which was written as told by him word to word, read over, who by hearing and holding it correct, put his signatures in Punjabi below the statement, which was verified by me ASI. From the statement recorded above, crime under Section 306, 34 I.P.C. has been found to be committed. Therefore, statement has been sent for registration of FIR against Gurjot Singh son of Dharam Singh, Dharam Singh son of Mehar Singh, Kuldeep Kaur wife of Dharam Singh residents of Naneola Police Station Nangal District Ambala (HR) through hand PHG Rajinder Singh to police station. After registering FIR, number may be intimated. The officers and in-Charge Control Room may be informed through telephone, special reports may be issued. I, ASI along with colleagues and applicant is busy in investigation on the spot. Within limits Max Hospital Phase 6 Mohali AT; 03-40 P.M. verified Kulwinder Singh ASI Police Station Sadar Kharar. Dated: 23.02.2023. On receipt of statement, by registering above FIR under above offences against above Gurjot Singh son of Dharam Singh, Dharam Singh son of Mehar Singh, Kuldeep Kaur wife of Dharam Singh, records were completed. Copies of FIR as special reports are being sent through hand Hawaldar Prem Singh 796/SAS Nagar in the service of District Magistrate Kharar District SAS Nagar and officers. In Charge Control room Mohali is being informed through telephone. Original statement and FIR is being sent through hand PHG Rajinder Singh to the investigation officer S.I. Kulwinder Singh. MHC police station has been instructed to complete the record.”

3. Learned counsel for the petitioner has argued that after the arrest of the petitioner on 01.03.2023, investigation was carried out & challan stands presented. Learned counsel for the petitioner has argued that the dispute between the petitioner and the deceased was, at the most,

routine wrangling between husband and wife and cannot be said to be a cause good enough for the deceased to commit suicide. Learned counsel, in order to butteress his argument, has relied upon a judgement of the Hon'ble Supreme Court in the case of *Mohit Singhal & Anr. vs. The State of Uttarakhand & Ors. Reported as 2023 INSC 1035.* Thus, regular bail is prayed for.

4. Learned counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The accused is in custody since 01.03.2023 & challan already stands presented on 20.04.2023 wherein total 15 prosecution witnesses have been cited. Only one prosecution witness has yet been examined & culmination of trial will take its own time. As per the custody certificate dated 30.01.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 11 months & is not shown to be involved in any other case. The rival contentions of the learned counsel for the parties as to whether the offence under Section 306 of IPC is made out or not, in the factual matrix of this case, will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the case of the either parties. No tangible material has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the

remaining prosecution evidence. Suffice to say, further detention of the petitioner as an undertrial is not warranted.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 31, 2024
poonam

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