

CRM-M-26578-2024

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2024:PHHC:076945



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26578-2024

Date of Decision: 29.05.2024

Parminder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. K. S. Minhas, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 0138 dated 12.08.2022 (Annexure P-1) registered under Sections 304-B, 498-A, 406 read with Section 34 IPC at Police Station Adampur, District Jalandhar, Rural.

The aforesaid FIR (Annexure P-1) was registered on the basis of statement of father of the deceased and the brief facts as mentioned in first paragraph of the impugned order dated 13.03.2024 (Annexure P-7), are reproduced as under:-

“Brief facts of the case, which require consideration for disposal of the present bail application are that FIR in question has been registered against the accused/applicant and another on the statement of complainant Mota Singh. In his statement, the complainant has mainly claimed that his daughter Sukhjit Kaur was married to accused/applicant. Her in-laws used to harass her and they were accusing her for bringing less dowry. She was given beatings many times



and she was used to be sent to parental house. After three months of marriage, accused/applicant left for Lebanon. His remaining family members in India used to harass and beat complainant's daughter. After death of his father, accused/applicant has permanently shifted to India. He came to complainant's house and took his daughter back to matrimonial home, but she was given beatings there by the accused/applicant and his mother. They also removed her gold ornaments and new clothes from her luggage. They were demanding tractor from complainant. On 29.07.2022, they gave beatings to complainant's daughter and threw her out of the matrimonial home at about 11 PM. On 01.08.2022, she was sent to her matrimonial home again on the assurance of respectables. On 03.08.2022, complainant was informed by one Manjit Singh that complainant's daughter has consumed some poisonousness medicine, due to which her husband has taken her to Miglani Hospital, Adampur. When complainant reached hospital, he saw that his daughter was in torment. She died on 11.08.2022 at about 3 AM. On the allegations of complainant, an FIR was registered against accused/applicant and his mother. After reporting matter to police and registration of FIR, accused/applicant was arrested on 17.10.2023 and he is in custody since then, which necessitated the filing of the present bail application."

Learned counsel for the petitioner, *inter alia*, submits that petitioner was married to the deceased on 20.02.2017. Two daughters, namely, Harnoor and Harkeerat Kaur, were born out of the said wedlock, who are currently in the care and custody of their maternal grand-father/complainant herein. The date of alleged incident is 03.08.2022; whereafter wife of the petitioner died in the hospital on 11.08.2022. As per postmortem report, the cause of death was consumption of Organo Phosphorus. It is stated that during the 05 years of marriage of the petitioner with the deceased, there was no complaint whatsoever either by the deceased or by the complainant. It is submitted that on the date of occurrence i.e. 03.08.2022, when the deceased was feeling unwell, it was the petitioner who had taken the deceased to the hospital and he had also



paid all the hospital expenses.

Learned counsel for the petitioner submits that co-accused of the petitioner, namely, Amarjeet Kaur, being his mother has already been granted the concession of interim bail by a co-ordinate Bench of this Court vide order dated 13.02.2023 (Annexure P-5) which was subsequently made absolute vide order dated 02.05.2023 (Annexure P-6). Learned counsel submits that the petitioner has himself surrendered on 17.10.2022 and since then he is in custody. Thus, it is prayed that the petitioner be released on regular bail.

Per Contra, learned counsel for the State vehemently opposes the prayer for grant of regular bail to the petitioner and submits that during the period of 05 years of marriage of the petitioner, there was matrimonial discord between the parties in respect of which there were Panchayati compromises entered into between the parties. It is submitted that the deceased had committed suicide within a period of 07 years of the marriage, as such there is presumption in respect of the guilt of petitioner under Section 304-B IPC.

Learned counsel for the State has filed custody certificate dated 28.05.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 07 months and 09 days. Perusal of the custody certificate shows that no other case is pending against the petitioner. On instructions from ASI Jeewan Kumar, learned counsel for the State informs that challan in the present case was filed on 13.01.2024 and charges have been framed on 16.05.2024; and the next date of hearing before the learned trial Court is 11.07.2024, for



recording of prosecution evidence.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the peculiar facts and circumstances of the case; including the custody period of 07 months and 09 days undergone by the petitioner as an undertrial, and perusal of the custody certificate reveals that there is no other case against the petitioner; and also the fact that evidence of the prosecution is yet to began, therefore, conclusion of trial will take considerable time; and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Parminder Singh S/o Late Jaswant Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application(s), if any, shall also stand disposed of.

29.05.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No