



CRM-M-27981-2024

-1-

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

CRM-M-27981-2024

Date of Decision: 09.07.2024

Rajwinder Kaur and another

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lakhwinder Singh, Advocate, for the petitioners.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioners in a case FIR No.44 dated 27.03.2024, registered under Section 346 IPC, further Sections 306, 34 IPC added lateron, at Police Station Boha, District Mansa.

2. Adumbrated facts of the case are that the FIR was registered on the statement of Gurpreet Kaur wife of Jagtar Singh. It was alleged by the complainant in the FIR that a complaint was filed against her husband Jagtar Singh by Rajwinder Kaur on the allegation that Jagtar Singh had spoiled her matrimonial life. It was alleged that Rajwinder Kaur was married with one Gagandeep Singh, who shifted abroad due to provocation of Jagtar Singh. The complainant alleged that due to this false complaint in the Police Station by Rajwinder Kaur (petitioner No.1) and her father Bohar Singh (petitioner No.2), her husband Jagtar Singh remained under depression and went missing on 26.03.2024. It was suspected that some unknown person had kidnapped her husband and thus, a request was made to take legal action against the culprits. On the basis of the complaint, the FIR was registered and investigation commenced. During the investigation,



CRM-M-27981-2024

-2-

dead body of her husband Jagtar Singh was recovered from Bhakhra Canal on 31.03.2024 and offence under Section 306 IPC was added. The petitioners were arrested on 01.04.2024. They approached the Court of learned Additional Sessions Judge, Mansa, however, after hearing both the sides, the Court has declined the prayer for the grant of regular bail vide order dated 13.05.2024. Hence, the petitioners have approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. He submits that the allegations made against petitioner No.1 and her father petitioner No.2, are regarding filing of complaint against Jagtar Singh i.e. the husband of the complainant. He submits that husband of the complainant went missing on 26.03.2024 and his dead body was recovered from the Canal on 31.03.2024. It is submitted that bare reading of the allegations in the FIR shows that offence under Section 306 IPC read with Section 107 IPC is not made out against the petitioners and thus, their implication is totally illegal. He submits that both the petitioners are behind bars since the date of their arrest i.e. 01.04.2024. He further submits that the investigation is complete and the petitioners have no criminal antecedents and thus, they deserve to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He has submitted that due to the complaint filed by the petitioners, husband of the complainant was forced to commit suicide by jumping into the Canal. He submits that the investigation is complete, challan is presented and the case is fixed for framing of



CRM-M-27981-2024

-3-

charges. On instructions from SI Gurtej Singh, he has submitted that the petitioners have no criminal antecedents.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioners are behind bars since 01.04.2024. The allegations against the petitioners regarding filing of complaint which led to committing suicide by husband of the complainant, would lie in the domain of the trial Court on the appreciation of the evidence to be led before it. There is nothing on record to show that the petitioners are involved in any other criminal case except the present case. Investigation is complete and challan has been presented.

7. This Court would refrain itself from commenting anything on the merits of the case. However, considering the prayer for grant of bail to the petitioners, this Court is of the view that learned counsel for the petitioners has been able to make out a case for grant of regular bail to the petitioners.

8. Considering that the trial would take sufficient long time in its conclusion, the present petition is allowed and the petitioners are ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

09.07.2024
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No