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

CRM-M-30049-2024

Date of decision: 21.08.2024

Sajanpreet Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. L.M. Gulati, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.0144 dated 18.06.2023 under Sections 302/304-B read with Section 34 of IPC registered at Police Station Jandiala, District Amritsar, Rural.

The FIR (*supra*) was lodged on the statement of the complainant by alleging that his younger daughter, namely, Komal Preet Kaur aged 22 years was married two years ago with petitioner No.1 and she was residing happily in her matrimonial home. Later on, a child was born to her and after four days, the child died on account of which, her in-laws started maltreating her. It is further alleged that his daughter was suffering from tuberculosis and instead of getting her treated, the accused/petitioners used to take her to church. Thereafter, the complainant received a phone call from a relative that his daughter has committed suicide by hanging herself on a tree on the intervening night of 17.06.2023 and 18.06.2023 and when he along with his family reached there, he came to know that the petitioners have murdered his daughter and



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thus, the instant FIR got registered.

Learned counsel for the petitioners *inter alia* contends that the petitioners have been falsely implicated in the present case. The essential ingredients breaching the threshold of Section 304-B of IPC are clearly missing. There are no allegations that immediately prior to the death of the deceased daughter of the complainant, she was subjected to cruelty on account of dowry. The petitioners were not present at home at the time of incident. He further submits that the deceased was in acute depression as she was suffering from tuberculosis and she lost her infant only after four days of his birth.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioners on the ground that the deceased had died unnatural death in the matrimonial home, as such, petitioners are not entitled to any relief.

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



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each other.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners are behind the bars since 18.06.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as only 01 (the complainant) out of 12 prosecution witnesses has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, petitioner No.1-Sajanpreet Singh and petitioner No.2-Paramjit Kaur are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

21.08.2024*Neha*

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