

2024:PHHC:012119

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

213

CRM-M-40619-2023
Date of Decision: 30.01.2024

Gurwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Mr.Aman Raj Bawa, Advocate, for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr.Ashish Gupta, Advocate, for the complainant.

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.0028 dated 28.04.2023 registered for the offences punishable under Section 306 of IPC at Police Station Singh Bhagwantpur, District Rupnagar.

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

“Copy of Statement, "Statement of Mukesh Kumar son of Lachhman Dass Resident of Village Chatoli Kalan, Police Station Sadar Kurali District S.A.S. Nagar (Mohali) aged 33 years, Mobile Number 98786-29008, stated that I am resident of above mentioned address. I am having my own Chhota Hathi Tempu, whereupon I am doing driving. I have 5 sisters and I am the sold brother. All my sisters are married. My elder daughter Rano Kaur aged around 37 years who is married with Gurwinder Singh son of Nirmal Singh R/o Village Mugal Majri Police

Station Singh Bhagwantpur District Roopnagar. Around 18 years have since been elapsed of her marriage, she is having 2 kids, elder daughter Komalpreet Kaur aged around 16 years and son Khushpreet Singh age 12 years. Gurwinder Singh after some years of marriage started causing disturbance, harassment to my sister Rano Kaur. Thereafter my parents and other Panchayat members had exhorted him, Gurwinder Singh is habitual drug addict, who was living idle since around 4-5 years. Sometimes he used to do daily wage work and in the evening used to consume liquor with said money. Mother-in-law of my sister Balvir Kaur also used to cause disturbance, harassment to my sister, who used to quarrel with my sister without any issue and 14 used to taunt her to die by consuming poison on every petty issue, Brother-in-law (Jeth) of my sister Dharminder Singh who is bachelor and is Polio patient, but under the influence of liquor in inebriated condition he used to talk wrong with my sister and sometimes both these brothers Dharminder Singh and Gurwinder Singh both of them by consuming liquor used to assault my sister Rano Kaur. Their mother Balvir Kaur instead of exhorting them in contrary used to say harsh words to my sister, in concern of these altercations a Panchayat of both of our families was held and every time all of them used to apologize and promise not to repeat this in future, due to not getting any maintenance from her husband Gurwinder Singh for making the both ends meet my sister Rano Kaur started working in Satguru Ply factory around 06 months back so that expenses of house can be met with. But all three of them started levelling false allegations upon my sister that she is having talking terms outside so she is working outside. Yesterday on dated 27.04.2023 my niece Komalpreet Kaur in the evening time at around 7.00 PM called over phone that mother has consumed some medicine, she has been taken for treatment. Then upon coming to know we reached Hospital PGI Chandigarh Sector 12, my sister Rano Kaur was undergoing treatment, who has died yesterday on dated 27.04.2023 during undergoing treatment. My sister has been caused harassment a lot by her husband Gurwinder Singh, Mother-in-law Balvir Kaur and Brother-in-law (Jeth) Dharminder Singh and have compelled her

to die by consuming some poisonous substance. My sister Rano Kaur after being fed up from all three of them has ended her life. Appropriate legal action may be initiated against all three of them. I along with my sisters and other persons was coming to Police Station to record my statement. You met us at T-point Chatoli, I have recorded my statement to your goodself. Read over, heard, is correct. SD/- Mukesh Kumar 98786-29008, statement confirmed by Sd/- Rimpay 87280-18382, Statement attested by SD/- Harpreet Singh SI Station House Officer Police Station Singh Bhagwantpur dated 28.04.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.04.2023 and after completion of investigation, challan already stands presented. Learned counsel for the petitioner has further argued that, from the evidence brought on record, the offence under Section 306 IPC is not made out against the present petitioner as the marriage of the present petitioner with the deceased-Rano Kaur was about 18 years old and there has been no specific instances of harassment in the past. Learned counsel for the petitioner has also relied upon an order dated 20.12.2023 passed in CRM-M-30870-2023 by a coordinate Bench of this Court wherein anticipatory bail was granted to Dharminder Singh (Jeth) and Balvir Kaur (mother-in-law) of the deceased. Thus, the prayer for grant of regular bail is made.

4. Learned counsel for the State as also learned counsel for complainant have 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 18.04.2023; challan already stands presented on 24.06.2023 wherein total 19 prosecution witnesses have been cited. This Court does not deem it appropriate to delve deep into the rival contentions regarding the merits of invocation of Section 306 of IPC, at this stage, lest it may prejudice the case of either parties. As per custody certificate dated 29.01.2024, the petitioner has already suffered incarceration for more than 9 months & is not shown to be involved in any other case. No tangible material has been brought before this Court to indicate likelihood of the petitioner absconding from the process of justice or interfering with the 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 30, 2024
poonam

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No