



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.41928 of 2023
Date of Decision: 24.05.2024

Gurmeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuldip Singh, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
242	Sadar Fazilka, District Fazilka	306 read with 34 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 17.10.2022 on the basis of statement recorded by the complainant Gurbachan Singh alleging therein that his younger daughter Gunita Rani was married with the petitioner about ten years back. Two male children were born out of the wedlock. His daughter was being harassed by the petitioner, her jethani Rano Bai and jeth Surjit Singh on account of bringing less dowry. He alleged that from the past about 6-7 days, she

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was continuously being harassed by them. On the night of 16.10.2022, he received a telephonic call from the petitioner intimating that the victim had consumed some poisonous substance and they were taking her to a doctor. The complainant rushed there and while on the way to Civil Hospital, Jalalabad, his daughter had told him that some poisonous substance had been poured in her mouth by the petitioner, her jethani and jeth Rano Bai and Surjit Singh respectively. She was declared to be brought dead when reached hospital. On his complaint, a case under Section 306 read with Section 34 of IPC was registered. Investigation proceedings were initiated. The postmortem examination of dead body and inquest proceedings were conducted. The medical examination report proved that death had been caused due to consuming/ingestion of some poisonous substance. During the course of investigation, the jeth and jethani of the victim were found to be innocent and they were not arrested. The petitioner was arrested on 27.07.2023. Challan was presented in the Court after completion of usual formalities and presently, he is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the Court of learned Sessions Judge, Fazilka which had been dismissed vide order dated 14.08.2023.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. Infact, there was some dispute between the complainant and the petitioner from the last eight years and they were not even on talking term. A false story had been concocted by the complainant. There was no evidence to show that poisonous substance had been administered by the petitioner or family members to the victim. There was

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delay of one day in lodging of the FIR. The ingredients for commission of offence under Section 306 of IPC were not made out. The victim did not leave any suicide note. The ingredients for commission of offence under Section 107 of IPC were also not established. The trial is likely to take time as so far even charge has not been framed as against the petitioner. With these broad submissions, it is argued that the petition deserves to be allowed and he deserves to be given concession of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner as he harassed the victim who was his wife on account of demand of dowry and is alleged to have forcibly administered some poisonous substance to the victim along with his brother and sister-in-law thereby causing death of the victim. It is submitted that though the co-accused have been declared innocent, however, complicity of the petitioner in commission of subject offence has been established on the basis of material collected during the course of investigation. The delay in recording evidence has occurred due to the reason that though charge under Section 306 of IPC was previously framed but now after summoning of additional accused, fresh charge is to be framed after securing their presence. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with his brother and sister-in-law is alleged

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to have harassed the victim on account of demand of dowry and on the fateful day, he along with the co-accused who have now been ordered to be summoned as additional accused, though they were previously declared innocent, is alleged to have administered some poisonous substance to the victim. Fresh charges are yet to be framed. It is a debatable question as to whether it was a case of suicide or of causing homicidal death of the victim as there are allegations of her being administered poisonous substance forcibly by the petitioner and the accused. There are specific and serious allegations against the petitioner. The trial is yet to be commenced. The apprehension expressed by learned State counsel that the petitioner may abscond or may intimidate the witnesses cannot be stated to be unfound at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petitioner does not deserve to be given concession of bail. Hence, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.05.2024
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(MANISHA BATRA)
JUDGE

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