

Sr. No.215(02)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45385-2023 (O&M)
Date of decision: 01st April, 2024

KULDEEP SINGH**Petitioner**

versus

STATE OF PUNJAB**Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

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

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. A.S. Dhindsa, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.12 dated 14.02.2022, under Section 304-B, 120-B IPC (Section 302 IPC added later on), registered at Police Station Kacha Pacca, District Tarn Taran, Punjab (Annexure P-1).

2. As per the prosecution version, the daughter of the complainant got married to the son of the petitioner on 30.11.2021. Sufficient dowry articles were given at the time of the marriage. However, soon after their marriage, the son of the petitioner (husband) started harassing and torturing the daughter of the complainant. On 12.02.2022, the daughter of the complainant informed him that she has been beaten up by her husband and she has been forced to bring car from her father. On the next day i.e. 13.02.2022 at about 07:00 PM, the complainant received a phone call from his son-in-law (petitioner) informing that his daughter has died due to heart attack. On receiving the said information, the complainant,

along with his relatives, immediately reached the matrimonial house of his daughter. On checking the dead body of his daughter, the complainant found some strangulation marks on her neck as well as some injury marks on her body, as such, he reported that matter to the Police. Postmortem examination of the deceased was also got conducted.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is the father-in-law of the deceased. The FIR was registered at the instance of the father of the deceased. It is further contended that the petitioner is in custody for the last more than 02 years. He has been falsely implicated in the present case. Challan has already been presented before the trial Court and charges have been framed. No prosecution witness has been examined till date. The prosecution witnesses are not appearing. The trial Court has issuedailable warrants for procuring the service of the prosecution witnesses.

4. Learned State counsel, assisted by the counsel for the complainant, has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Learned State counsel has filed custody certificate of petitioner/accused Kuldeep Singh, which is taken on record. As per the custody certificate, the petitioner has undergone 02 years 01 month and 13 days of sentence. Learned State counsel has further confirmed that challan has been presented before the trial Court and charges have been framed. No prosecution witness has been examined.

5. Learned counsel for the complainant contends that that the complainant has been examined-in-chief. The application filed by the prosecutrix under Section 319 Cr.P.C. was dismissed. The said order has been challenged and the petition is pending before this Court. It is further contended that the private

witnesses would appear before the trial Court for recording of their statements on the next date of hearing.

6. I have considered the aforesaid contentions.

7. The allegations against the petitioner and his co-accused are serious in nature. The son of the petitioner-Kuldeep Singh, who is the husband of the deceased, is yet to be arrested. The victim was a young female who got married on 30.11.2021 and she died within 03 months of her marriage. As per the postmortem examination report of the deceased, it has been mentioned in the column of "Description of External Injuries" that the ligature mark was present around the neck in the upper part. Even the hyoid bone was found fractured on both sides. The relevant portion of the same reads as under:-

"DESCRIPTION OF EXTERNAL INJURIES

1. LIGATURE MARK

Reddish brown abraded ligature mark measuring 26/4 x 1.2 to 4.5 cm present obliquely around the neck in its upper part above the level of thyroid cartilage forming inverted "V" shape over the back of neck in midline on the front of neck. The ligature mark is 8.9 cm below the tip of chin in midline, going obliquely over to the right side of front of neck and is 55 cm below the right ear lobule. Then going obliquely backwards, upwards over to the back of right side of neck, extending upto 6.5 cm below and outer to the external occipital protuberance at 5 o'clock position and is 4.1 cm above the spinous process of cervical 7th vertebrae. The ligature mark is more prominent, broad and abraded over the right side of neck and is comparatively less wide and less prominent on the left side. The ligature mark going obliquely outwards and upwards towards the left side of neck and in the area over the front of left side of neck of 7.6 cm is very faint and hardly visible with few reddish brown abraded areas visible at places in the extent of the ligature mark on the left side the ligature mark is 7.1 cm below the left ear lobule, going obliquely upwards, outwards and backwards towards the back of left side of neck extending upto 6.0 cm below and outer to external occipital protuberance at 7 o'clock, forming inverted "V" with the right end of the ligature mark over the back of neck sparing an area of

1.5 cm between both the ends of the ligature mark, circumference of neck is 33.7 cm. On examination, the skin of the ligature mark is hard. Leathery, rough, abraded and irregular, more over the right side of neck, on dissection, the subcutaneous tissue under the ligature mark is pale, rough and leathery to touch, strap muscles under the ligature mark are congested and having haematoma in them. Lymph nodes are congested above and below the ligature mark, submandibular, submental glands are congested, thyroid cartilage is intact, hyoid bone found fractured on both sides at the level of body and greater horn clotted blood and infiltration present at the fractured site, larynx and trachea found congested, blood stained frothy fluid present in the trachea along the walls.

xxxxxx”

8. As per the FIR, the father of the deceased (complainant) was told that the victim has died due to heart attack.
9. Prosecution witnesses are yet to be examined. Keeping in view the gravity of allegations levelled against the petitioner and in view of the facts and circumstances of the case, merely on the ground that the petitioner is in custody for the last 02 years, he cannot be granted the concession of regular bail. Consequently, the present petition stands dismissed.
10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

01st April, 2024
sim

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