

CRM-5755-2024 in/and
CRM-M-49333-2023
Date of Decision:07.02.2024

Dilbagh Singh...Petitioner

vs.

State of Punjab...Respondent

Coram : Hon’ble Mr. Justice N.S. Shekhawat

Present : Mr. Karambir Singh Kahlon, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-5755-2024

Application is allowed as prayed for. Annexure P-16 is taken on record.

CRM-M-49333-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.86 dated 02.12.2019 registered under Sections 302/34 of IPC, at Police Station Ghanie Ke Banger, Police District Batala, District Gurdaspur.
2. The FIR in the present case was got registered by Ranjit Kaur wife of Ajit Singh and the same has been reproduced below:-

“Statement of Ranjit Kaur wife of Ajit Singh Caste
Jat, resident of Jandi, P.S. Dina Nagar, presently residing at
Kahnuwan Thana, Ghanic Ke Bangar, aged 62 years. It is stated

that I am resident of the above mentioned address and do household work. I have two son namely Mohinder Singh and Sukhwinder Singh and two daughters namely Ravinder Kaur and Kuldeep Kaur and all the children are married. Ravinder Kaur got married 17 years ago and has two children namely Harminder Singh 13 years old boy and Harman 8 years old boy. My son in-law Dilbag Singh was serving in the army who has come back after retirement four months ago. My son-in-law Dilbag Singh and his brother Bhupinder Singh and Harpal Singh and their father Harbhajan Singh used to level false allegations regarding character of my daughter Ravinder Kaur. Due to which they used to be unrest in the house and my daughter used to remain tense for the same. We had made them understand i.e. our son-in-law Dilbag Singh and his family members and both brothers and their father but they did not refrain from making false allegations against my daughter and said that you should take your daughter back or else we kill her. On 01.12.2019 at 7.30 p.m. the sarpanch of village Dabawal alongwith the sarpanch of our village Kaluwal came to our house and told that your daughter Ravinder Kaur has committed suicide by hanging herself at 4.00 p.m. Then I called on 112 and made complaint and it was dark. We did not come from our village. Today I alongwith my husband Ajit Singh and other relatives in regarding to the death of my daughter to initiate proceedings and make statement has come to police station. My daughter Ravinder Kaur aged 33 /ears. Her husband Dilbag Singh Jeth, Bhupinder Singh and Harpal Singh and ather in-law Harbhajan Singh all of them used to level false allegation of my daughter and used to say to take her back or else we would kill her. These persons have strangulated my daughter. Legal action be taken. The statement is written which has been read over and heard and after finding it correct the same has been signed by Ranjit Kaur 8198820521.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. After registration of the case, the investigation was conducted by the police and Harbhajan Singh, Harpal Singh and Bhupinder Singh, co-accused were declared to be innocent in the present case. Even an application was moved under Section 319 Cr.P.C. for summoning the said accused, however, the same was ordered to be dismissed. Learned counsel further contends that in fact, the petitioner was happily married to Ravinder Kaur, since deceased, for the last about 17 years and had no reason to commit the murder of his own wife. He further contends that the petitioner was arrested in the present case on 14.09.2020 and is in custody for the last 03 years and 05 months. Learned counsel for the petitioner has also referred to the testimony of PW-2, Dr. Arvind Mahajan, who had conducted the post-mortem on the dead body of Ravinder Kaur, since deceased and the relevant part of the cross-examination of Dr. Arvind Mahajan has been reproduced below:-

“It is correct that the deceased was young 33 years old and well nourished person. It is correct that ASI Parminder Singh vide application dated 01.12.2019 informed the Civil Hospital, Batala that Ravinder Kaur wife of Dilbagh Singh r/o Dabbawal Kalan had hung herself with chunni tied to the fan and died thereof. It is correct that the police officials did not describe about the noose at the time when the postmortem was to be conducted. It is correct that nothing was found under the nails of the deceased. It is correct that there are no struggle injuries mentioned on the face, chest etc. indicating struggle in the present case. I cannot say what kind of noose it was as the police had not explained anything regarding the noose. In this case, the possibility of hanging cannot be ruled out. ”

4. Learned counsel for the petitioner further contends that from the medical evidence, it is apparent that it is not a case of murder and the police had

wrongly invoked the offence under Section 302 IPC against the petitioner.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the principal accused and had killed his own wife. Even the police had collected sufficient evidence during the course of investigation to prove that the petitioner had committed the alleged crime and does not deserve the concession of bail.

6. Having heard learned counsel for the parties and perusal of the case file, this Court is of the considered opinion that the present petition deserves to be allowed. In the present case, the petitioner was married to Ravinder Kaur, since deceased, for the last about 17 years and Ravinder Kaur, since deceased, had made no complaint against the petitioner in the past. Apart from that, the prosecution is yet to establish that it was a case of homicidal death, during the course of trial. Still further, the petitioner is having two minor children, aged about 12 years and 16 years, respectively and there is no one at home to take care of the said children. Apart from that, the petitioner has already undergone a substantial period of custody and his further custody will not serve any useful purpose.

7. Without commenting any further on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

07.02.2024

hemlata

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No