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

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Date of Decision: 04.10.2024

GURSEWAK SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amardeep Singh Mann, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR
No.0074 dated 01.08.2022 under Section 302 IPC registered at Police
Station Jhunir, Tehsil and District Mansa.

Custody certificate has been placed on record.

Learned counsel for the petitioner submits that the
petitioner's false implication in the present case is apparent from the fact
that while stepping into the witness box, all the material witnesses
including the complainant i.e., his wife and mother of their child
Jaswinder Kaur (hereinafter referred to as deceased) had not supported
the case of the prosecution, as a result of which they were all declared
hostile. In support, learned counsel has drawn the attention of this Court
to the depositions of the prosecution witnesses which have been annexed
as Annexures P-2 to P-4. A prayer has, therefore, been made in the



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aforementioned circumstances to enlarge the petitioner on bail as he has now been in custody since 01.08.2022.

Learned State counsel while vehemently opposing the prayer and submissions made by learned counsel opposite has reiterated the allegations levelled in the FIR in question which stands reproduced here-in-under:-

*"Statement of Veerpal Kaur wife of **Gursewak Singh** son of Pritam Singh resident of Village Matti aged 30 years M. 9896438424 stated that I am a resident of the abovementioned address and do domestic work. My marriage was performed about 8 Years ago with **Gursevak Singh**, son of Pritam Singh. resident of village Matti, and out of our wedlock I gave birth to three daughters. The eldest daughter, Harmeet Kaur, is seven years old, and my younger daughter, Lavanya, is three years old and she was adopted by Vikramjeet Singh son of Harbhajan Singh resident of Rampura Phull. My youngest daughter Jaswinder Kaur who was born on 23.06.2022 at my parents village Mofar. Because I have three daughters, hence, My husband **Gursevak Singh**, my mother-in-law Gurmail Kaur wife Pritam Singh resident of Matti and my sister in law Sarabjit Kaur wife Jagtar Singh resident of Jaurkian used to threaten me that the second daughter Lavanya has been adopted by Vikramjit Singh but now the third daughter Jaswinder Kaur has been born we will not leave her and these three people are expecting a boy (son) from me. Yesterday, on 31.07.2022, my parent's family had an indulgence at Sahaj PathBhog, because of which we invited my in-laws' family to come for Sahaj Paath, who come on a motorcycle at my parental house at Mofar. After the Sahaj PathBhog, our relatives and the people of the village had gone to their respective homes, then it was around 02:30 in the afternoon that my sister-in-law Sarabjit Kaur, wife Avtar Singh, who was making tea in the home kitchen. I, along with my daughter Jaswinder Kaur, was lying in a separate room, then my husband came to our room and he told me that you go to Sarabjit Kaur's kitchen and bring tea quickly, I have to go back for some important work, so I went*



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*to bring tea after leaving my daughter Jaswinder Kaur in the room. When my sister-in-law Sarabjit Kaur and I came to the room with tea for my husband, my husband **Gursevak Singh** put his finger in my daughter Jaswinder Kaur's mouth and make her licked something. Then my daughter Jaswinder Kaur started crying, and my husband become perplexed. He told us that I have completed the work of this girl Jaswinder Kaur because my mother and my sister also did not want another daughter in their house. After saying this, he came out of the room without drinking tea and rode his motorcycle and left our house. After some time, my daughter Jaswinder Kaur started throwing up black vomit and stool and my daughter's health became worse. We arranged a ride and took her to Civil Hospital Mansa for treatment. Where the doctor declared my daughter Jaswinder Kaur dead after checking. The reason, behind it, was that because I had three girls in a row, my husband kept taunting me due to the reason and said that I would not leave the third girl after I gave birth. It is because of this grudge that **Gursevak Singh** of my husband killed my daughter Jaswinder Kaur by taking some poisonous substance with his finger in her mouth, yesterday, due to which my daughter Jaswinder Kaur died. Please take appropriate legal action against my husband **Gursevak Singh** son Pritam Singh, my mother-in-law Gurmail Kaur wife Pritam Singh resident of village Matti and my sister in law Sarabjit Kaur wife Jagtar Singh resident of Jaurkian. I have written a statement to you, read it and listened to it.”*

Learned counsel has submitted that there are specific allegations levelled against the petitioner of having made the deceased lick some substance leading to her death; the petitioner and his family were unhappy on account of his wife having delivered a female child and that precisely was the reason that the deceased, who was just 40 days old, was poisoned to death. Learned counsel has placed on record the Chemical Examiner's Report which has tested positive for

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'Organophosphorus compound' having been detected in the viscera etc. sent to the Chemical Examiner.

Learned State counsel has submitted that it is highly improbable that 40 days old child could have consumed 'organophosphorus compound' inadvertently or even on her own. Learned State counsel, on instructions, has submitted that no doubt the complainant had been declared hostile during trial, however, it is evident that it was for reasons but obvious-being the wife of the petitioner. Learned State counsel has vehemently prayed for dismissal of the instant petition as there is sufficient corroborative evidence to link the petitioner with the alleged murder.

I have heard learned counsel for the parties and perused the relevant material placed on record including the report of the Chemical Examiner which has been filed today.

There are serious and specific allegations levelled against the petitioner in the FIR in question which was registered at the instance of none other than the mother of the deceased/wife of the complainant. No doubt, the complainant did not support the case of the prosecution during trial. However, at this stage, this Court would refrain from commenting upon her deposition, in the light of the other evidence which has been collected by the prosecution.

In the facts and circumstances as enumerated above, the present petition stands dismissed. However, it is made clear that anything



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observed hereinabove shall not be construed to be an expression of opinion
on the merits of the case.

04.10.2024
smriti

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No