

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49754 of 2024
Reserved on: 11.11.2024
Pronounced on: 27.11.2024

Santokh Singh @ Sokha @ Sukhbir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Gurana, Advocate with
Mr. Kartik Bansal, Advocate and
Mr. Nikhil Lohiya, Advocate
for the petitioner(s).

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
189	23.11.2022	Kamboj, Amritsar	302, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 10 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“4. That as per the report furnished by SHO, Police Station Kambo, Amritsar Rural was registered on the basis of statement of the complainant Shamsher Singh, wherein it was alleged that his marriage was solemnized about 16 years ago with Binder Kaur W/o Hira Singh, out of which 04 children i.e. 02 boys and 02 girls were born. His wife was a laboourer and they both were supporting their family by doing labor work. On 22.11.2022 in morning, he and his wife had gone to land of Gurdev Singh S/o Didar Singh R/o Village Mahnian Kuhara for work. At about 11 AM, his wife told him that she was going home and she did not tell him the reason for going home. He (complainant) reached home at about 07PM then light of the house was off and his children were sitting inside the home. He asked them about his wife Binder Kaur then his elder daughter Ramandeep Kaur told

him that she had gone from home in noon without telling anything while leaving her mobile phone at home and did not come back. At about 10PM, he (complainant) was standing in the street some ahead of his house then two motorcycle riders came along with his wife and went away while throwing his wife Binder Kaur in the street. He reached near his wife then the motorcycle riders fled away. He could not read number of the motorcycle due to darkness and could also not identify the above said persons. His wife was in semi unconscious condition. He took his wife inside the house, who told him in semi unconscious condition that Sukhbir Singh @ Sukha Mistri (present petitioner) had taken her with him from home and he made her consume rat poison forcibly. He (complainant) had made video in his mobile phone before death of his wife. He admitted his wife to Sri Guru Nanak Dev Hospital, Amritsar as her condition worsened and she died during treatment. Therefore, the present FIR No. 189 dated 23.11.2022 (supra) was registered.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to para 4 of the bail petition, which read as follows:

“4. That during the trial the complainant deposed his testimony as PW-1 and eye witness examined as PW-2 and they have not supported the prosecution case and turned hostile. The copy of the evidence PW-1 and PW-2 are attached as Annexure P-2 and Annexure P-3. From the testimony of complainant and eye witness, it becomes more than clear that at this stage there is no case against the petitioner.”

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“7. That during the course of investigation of the present case FIR No. 189 dated 23.11.2022 (supra), the complainant recorded his supplementary statement on 24.11.2022 with the Investigating Officer, wherein he further stated that at the time of registration of FIR, he was very upset due to death of his wife and could not state that when the accused had thrown away his wife opposite his house at that time he and his daughter Ramandeep Kaur were standing in the bazaar and they had taken his wife Binder Kaur inside room of his house. Upon hearing their shouting, their neighbor Sarpanch Joginder Singh S/o Gurdeep Singh had also come to his house and he (complainant) had asked his wife Binder Kaur, who was in semi-conscious condition in presence of Joginder Singh that what had happened with her then Binder Kaur then Binder Kaur had told them that Sukhbir Singh @ Sukha Mistri (present petitioner) had forced her to consume rat poison and at that time his daughter Ramandeep Kaur had recorded video in the mobile phone but he had earlier stated that he had made recording but he being illiterate does not have any knowledge about it and the complainant handed over

the mobile phone made Redmi 6 Pro, colour black, wherein recording was made, to the Investigating Officer, who took the same in police possession in accordance with law. The statements of the witness Ramandeep Kaur D/o Shamsher Singh, Joginder Singh Sarpanch S/o Gurdeep Singh and official witnesses were also recorded under Section 161 Cr.P.C in this respect."

8. Regarding the witnesses turning hostile, neither the other evidence can be thrown out nor the admissible portions of such statements.
9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
10. The petitioner's custody of around 01 year, 10 months and 07 days cannot be termed prolonged, given the sentence prescribed for the offense, which is imprisonment for life.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.11.2024

Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.