

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-55710 of 2023 (O&M)

Date of Decision:15.01.2024

Bagicha Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON’BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab

SUDEEPTI SHARMA, J. (Oral)

1. This is second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.33 dated 01.06.2019, registered under Sections 302, 34 IPC, at Police Station Amir Khas, District Fazilka, wherein the petitioners have been summoned to face trial vide order dated 03.10.2023 passed by the learned Judicial Magistrate Ist Class, Jalalabad.
2. Learned counsel for the petitioners contends that the allegations levelled against the petitioners are totally false and frivolous and there is no truth in the same. He further contends that the petitioners are innocent and have never indulged in such illegal activities. He further contends that the petitioners are Jeth (brother-in-law) and Jethani (sister-in-law) of the deceased and are

living in a separate house and are having no interference in the matrimonial life of the deceased.

3. On the other hand, Ms. Ruchika Sabherwal, learned DAG, Punjab, has expressed her apprehension that in case the petitioners are released on bail, then they may abscond from justice or they may influence the witnesses. She further submitted that in view of the gravity and seriousness of the offence as committed by the petitioners, they are not entitled for the concession of anticipatory bail.

4. I have heard learned counsel for the parties and perused the status report dated 18.12.2023 filed by the Deputy Superintendent of Police, Sub Division, Jalalabad and relevant portion thereof is as under:-

“a) That the present FIR was registered at the instance of Veerpal Kaur @ Veera Rani wife of Kuldeep Singh with the allegations that on 03.05.2019 her husband Kuldeep Singh gave beatings to her and dropped her to house of her parents at village Issa Panj Grai. He retained her daughter Harkirat Kaur with him. On 29.05.2019, he came to village Issa Panj Grai and told her that their daughter is ill. Thereafter, she went alongwith him to village Peere Re Uttar on 29.05.2019. But she saw there that her daughter was all right. He alongwith his mother Nihalo Bai, his brother petitioner No.1 Bagicha Singh, wife of Bagicha Singh namely Swaran Kaur Petitioner No.2 made a plan to kill her, after giving something to eat. They were suspicious regarding her character. On 29.05.2019, at about 9:00 PM, her brother-in-law Bagicha Singh tiled her legs

with Dupata, Nihalo Bai tied her hand with Dupata, Swaran Kaur took her neck in her hand. She also opened her mouth and her husband put water mixed with something in her mouth. Thereafter, she became unconscious and people from neighbourhood called her parents. Her mother, brother, son of her uncle came to her in-laws house at around 10:30 PM. They got her admitted at Jalalabad Hospital namely Sandeep Kalucha. Earlier, her in laws transferred land in her name and her husband got that land transferred in his name on the pretext of Court case. He has also taken gold from her. He told her that their daughter belong to him as per order of Court in divorce case. He got divorce from her on her back.

b) As per said statement, initially, FIR No.33 dated 01.06.2019 under Sections 328, 34 IPC was registered against Kuldeep Singh son of Chiman Singh, petitioner No.1 Bagicha Singh, petitioner No.2 Bai wife of Bagicha Singh ad Nihalo Bai wife of Chiman Singh residents of village Peere Ke Uttar at police station, Amir Khas District Fazilka.

C) That on 04.06.2019 it was intimated to the police that said Veerpal Kaur has expired. Therefore, offence under section 304-B IPC was added in the present FIR vide DDR No.15 dated 04.06.2019.”

5. As per the status report, the cancellation report was submitted before the learned trial Court but the learned trial Court vide order dated 19.09.2023 had ordered to re-investigate the matter. After re-investigation,

again cancellation report was prepared in the present FIR and the same was presented before the learned trial Court on 03.10.2023, but the learned trial Court vide order dated 03.10.2023, summoned all the accused, including the present petitioners to face trial under Section 302 read with Section 34 IPC.

6. In view of the above, since the offence committed by the present petitioners is grievous in nature and the apprehension expressed by the learned State counsel that in case the petitioners are released on bail, then they may abscond from justice or they may influence the witnesses, cannot be ignored at this stage. Consequently, finding no merit in the present petition, the same is hereby dismissed.

7. All pending application(s), if any, also stand(s) disposed of.

January 15, 2024

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(SUDEEPTI SHARMA)
JUDGE

Whether speaking

:

Yes/No

Whether reportable

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Yes/No