

CRM-M-56348-2023 (O & M)
(220)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-56348-2023 (O & M)
Date of decision: 19.03.2024

Sharanjeet Kaur petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S, Brar, Advocate, for the petitioner.
Mr. Harkanwar Jeet Singh, AAG, Punjab.
Mr. A.P.S. Shergill, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.125 dated 24.08.2023 under Section 306 and 34 IPC registered at Police Station Civil Lines, Patiala, Punjab.

2. The present FIR came to be registered at the instance of Santokh Singh and reads as under:-

“This FIR on the statement of Santokh Singh son of S. Prem Singh resident of House No. 14 Gali No.01 Ratan Nagar Extension, Tripri Town Patiala, aged about 65 years M.No: 84373-83669, through ASI Pawan Kumar 2868/Pati: Police Chowki Model Town Patiala, Police Station Civil Line Patiala for registration of FIR against Kamalpreet Kaur alias Laddi daughter of Rajinderpal Singh, (2) Saranjeet Kaur wife of

CRM-M-56348-2023 (O & M)
(220)

::2::

*Rajinderpal Singh, (3) Rajinderpal Singh (4) Amandeep Singh alias Billu son of Rajinderpal Singh, residents of village Alamgir Police Dehlon District Ludhiana, through hand CT Ravinder Singh 3253/Pati:, was received at police station, the content of which is that: Statement of Santokh Singh son of S. Prem Singh resident of House No. 14 Gali No.01 Ratan Nagar Extension Tripri Town Patiala, aged about 65 years Mobile No.8437383669, stated that I am resident of the above mentioned address and has been retired as A.S.I. from the department of Punjab Police Patiala. I have a son and a daughter. My daughter Jaswinder Kaur alias Seema is married, who lives her in-laws home at Machhiwara. My son Parminder Singh aged about 34 years, who was head Constable in the department of Punjab Police Patiala, whose duty was at police lines Patiala. The marriage of my son Parminder Singh was solemnized with Kamalpreet Kaur alias Laddi daughter of Rajinderpal Singh resident of village Alamgir Police Station Dehlon District Ludhiana some around 7 years ago, who is having a daughter, Sargan Kaur, aged about 6 years, who is studying Around 3 months earlier, my son Parminder Singh had arguments with his wife Kamalpreet Kaur alias Laddi on some matter, after which, their fight got augmented and my daughter-in-law Kamalpreet Kaur alias Laddi, along with his brother Amandeep Singh alias**, by taking along my grand-daughter Sargan Kaur, went from our home and by taking their clothes and jewelry, to her parental home, village Alamgir Police Station Dehlon District Ludhiana, after going where, my daughter-in-law Kamalpreet Kaur alias Laddi gave a complaint against my son Parminder Singh by leveling the allegation of beating and demanding of dowry, where my son Parminder Singh was called in Police Station Dehion. Where my son Parminder Singh kept on requesting his mother-in- law Saranjit*

CRM-M-56348-2023 (O & M)
(220)

::3::

Kaur and father-in-law Rajinderpal Singh to taking his wife Kamalpreet Kaur alias Laddi but they have not sent Kamalpreet Kaur alias Laddi with my son. During this, Kamalpreet Kaur alias Laddi, on saying by her parents, by leveling the same allegation against my son Parminder Singh, gave a complaint to Police Station Women Cell Rishi Nagar Ludhiana, where my son Parminder Singh was called and I went along with my son Parminder Singh and other relatives. There also, we kept on requesting her and her mother Saranjit Kaur and father Rajinderpal Singh, for taking my daughter-in-law, Kamalpreet Kaur alias Laddi. But there, my daughter-in-law, Kamalpreet Kaur alias Laddi, her mother Saranjit Kaur, father Rajinderpal Singh and brother Amandeep Singh alias Billu, have insulted my son Parminder Singh a lot and also abuses to him and have tortured my son mentally, who have clearly refused to send my daughter- in-law and gave threats to get false FIR registered against my son. After which, my son Parminder Singh started living in very much tension and has got depressed from his wife Kamalpreet Kaur alias Laddi and her in-laws family. After being harassed from them, on 18th July 2023, my son attempted to commit suicide by writing a suicide note which I present before you. After coming to know about this we have counseled him a lot and restrained him from doing so. After which, Police Station Women Cell Ludhiana people kept on calling my son Parminder Singh and where, his in-laws family kept on insulting my son. From these things, my son started living in depression a lot and on dated 19.08.2023, at around 2:00 o'clock in the afternoon, my son Parminder Singh along with his maternal aunt/massi's son namely Davinder Singh, went to take food from home, after which, my son Parminder Singh along with his maternal aunt/massi's son reached Nabha Road Bhakhra Canal. After going there, my son Parminder Singh

CRM-M-56348-2023 (O & M)
(220)

::4::

kept on talking about death due to harassment from his wife and in-laws family with his maternal aunt/massi's son Davinder Singh. Upon seeing called to the friend of Parminder Singh namely Prabhjot Singh over his phone. On which, Prabhjot Singh reached on Nabha Road Bhakhra Canal along with Harmanjit Singh. On seeing coming them coming towards him, my son Parminder Singh suddenly dived into Bhakhra Canal. Davinder Singh and his friends raised lot of alarm there 'bachao bachao' but at that time, none of the divers, was present there My son Parminder Singh drowned due to jumping into Bhakhra canal. We kept on searching the dead body of my son Parminder Singh in the canal for so many days. Then, during this, we have checked the mobile phone of Parminder Singh. Then, in which, he had kept his video regarding committing suicide after being harassed from his wife Kamalpreet Kaur alias Laddi, his mother-in-law Saranjit Kaur, father-in-law Rajinderpal Singh and brother-in-law Amandeep Singh alias Billu, whose mobile, I present before you. Then, today, the dead body of my son Parminder Singh has been found by divers from village Dhanetha Bridge Police Station Sadar Samana Bhakhra canal, from them, we came to know about it. The dead body of my son Parminder Singh kept in Mortuary of Rajindra Hospital, Patiala after bringing dead body of my son Parminder Singh by reaching there. My son Parminder Singh was forced to commit suicide after being harassed by his wife Kamalpreet Kaur alias Laddi, mother-in-law Saranjit Kaur, father-in-law Rajinderpal Singh and his brother-in-law Amandeep Singh alias Billu, after being tortured by whom, my son Parminder Singh has committed suicide by jumping into Bhakhra Canal. For giving information about which, I, along with my son-in-law, Ramesh Kumar son of Sh. Satpal resident of House No.B-4/0408 Dashmesh Nagar

CRM-M-56348-2023 (O & M)
(220)

::5::

Machhiwara Sahib District Ludhiana was coming to you at Chowki Model Town Patiala for giving information you met us at Leela Bhawan Chowk Patiala and I got recorded statement to you, read/heard and it is correct. Action may be taken. SD/ Santokh Singh”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The daughter of the petitioner, namely, Kamalpreet Kaur @ Laddi who was married to deceased-Parminder Singh had been harassed by her husband. A complaint in that regard had been moved to the police (Annexure P-2). Admittedly, the daughter of the petitioner was living separately from her husband for the last many months. Therefore, there was no proximity of time between the alleged instigation and the suicide. Merely because of the daughter of the petitioner availing legal remedies against her husband would not amount to abetment. The alleged suicide video would also not further the prosecution case. Keeping in view the attending facts and circumstances, the petitioner had been granted the concession of interim bail vide order dated 08.12.2023 and the same had not been misused. As the investigation stood completed, none of the 20 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, she was entitled to the concession of regular bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 18.03.2024 which is taken on record. While referring to the said reply, he contends that the petitioner and her family members including her daughter harassed the deceased to such an extent that he was forced to

CRM-M-56348-2023 (O & M)
(220)

::6::

commit suicide. Therefore, the nature of the allegations did not entitle the petitioner to the grant of bail. He, however, concedes that the petitioner had been in custody for more than 03 months after which she had been released on interim bail, none of the 20 prosecution witnesses had been examined so far and that she was a first-time offender.

5. The learned counsel for the complainant contends that the harassment of the deceased was to such an extent that he was left with no alternative but to commit suicide. Therefore, the petitioner was not entitled to the grant of bail.

6. I have heard the learned counsel for the parties.

7. On 08.12.2023, the following order was passed:-

“Upon instructions received from ASI, Manjinder Singh, State counsel submits that prior to committing suicide, the deceased had recorded a video, levelling allegations against his wife and her relatives. As per instructions received by the State counsel, the video recording has been sent to the FSL and report is awaited.

Petitioner is a middle aged lady, who is in confinement since 25.08.2023. Although, the challan was presented in October, 2023, but charge has not been framed.

Noticing these factors, this Court deems it necessary to call for a status report from the respondent, which may be filed prior to the date fixed before this Court.

In the meantime, petitioner shall be released on interim bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

List on 19.03.2024.”

CRM-M-56348-2023 (O & M)
(220)

::7::

8. Admittedly, the petitioner is a middle-aged lady and has undergone more than 03 and a half months of custody before she was granted the concession of interim bail. The investigation stands completed but none of the 20 prosecution witnesses have been examined so far. The interim bail granted to the petitioner has not been misused by her in any manner. In this view of the matter, the further incarceration of the petitioner is not required.

9. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sharanjeet Kaur is ordered to be released on regular bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. The present petition stands disposed of.

March 19, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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