

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.56783 of 2023
Date of decision: 06.02.2024

Jagjit Singh and others ... Petitioners

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Mohd. Jameel, Advocate,
for the petitioners.

Mr. Anish Sharma, AAG, Punjab.

MANISHA BATRA, J.

1. The instant petition has been filed by the petitioners under Section 438 of Cr.P.C. seeking grant of anticipatory bail in case bearing FIR No.53 dated 24.08.2021 registered under Section 306 of IPC (petitioners have been summoned under Section 319 Cr.P.C. for offences under Sections 323, 342, 379-B, 365, 148 and 149 IPC vide rapat No.32 dated 26.08.2021) at Police Station Talwandi Bhai District Ferozepur.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant Ranjit Singh alleging therein that his daughter Harpreet Kaur was married with Gurpiar Singh. His son-in-law was indulged in the vices of taking drugs/narcotics and used to extend beatings to his daughter without any rhyme or reason. His mother

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also used to join him. They also used to harass her on account of demand of dowry. On the night of 23.08.2021 also they had beaten his daughter. In the morning of 24.08.2021, his daughter had called him and told that her husband and mother-in-law were harassing her since night. On this, the complainant assured her that he would come along with Panchayat members and other respectables of the village and would take her but on the same day at about 10 AM he received call from brother-in-law of his daughter informing that she had committed suicide by hanging herself in the morning at 8 AM. On hearing so, the complainant along with his family members had rushed to the matrimonial house of his daughter and found her dead body while lying on a cot. He alleged that the husband and mother-in-law of the victim had caused her death and prayed for taking action against them. On the basis of his statement, a case under Section 306 of IPC was registered. Investigation proceedings were initiated.

3. As per the further allegations, during investigation, the complainant Kuldeep Singh recorded a supplementary statement alleging therein that on 24.08.2021 when he had gone to the matrimonial house of his daughter on receiving news about her death, then the present petitioners along with some other persons had assaulted him by striking blows with reverse side of a gandasa and by raising lalkara to teach him a lesson. They had also insulted him and passed derogatory remarks about his caste by saying “Kutta Chuhra” and his mobile phone was also snatched by them and further that he had sustained injuries and was

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medico legally examined on the basis of which rapat No.32 dated 26.08.2021 was entered and offences under Sections 323, 342, 379-B, 295, 365 and 148 read with Section 149 of IPC and Section 3 (i) (r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 were also added. The present petitioners were, however, found to be innocent and were not arrested and challaned and only Gurpiar Singh i.e. husband of daughter of the complainant was challaned to face trial. During the course of recording evidence, the complainant Kuldeep Singh appeared as PW-6 and thereafter, an application under Section 319 of Cr.P.C. had been filed by the prosecution. The said application was partly allowed and the present petitioners were ordered to be summoned as additional accused to face trial along with the accused already arraigned for commission of offences punishable under Sections 148, 323, 342, 379-B, 365 read with Section 149 of IPC. The petitioners had filed applications for grant of anticipatory bail before the learned trial Court which had been dismissed vide order dated 18.10.2023.

4. The present petition has been filed by the petitioners on the grounds and it has been argued by their counsel that they have been falsely implicated in this case. They were implicated in this case after making due deliberations and implications by the complainant and to harass them only because they were the relatives of the accused already arraigned. It is further submitted that the thorough investigation was conducted in the matter by a police officer of rank of DSP and they were found to be innocent. It is also submitted that neither their custodial

interrogation is required nor any recovery is to be effected from them. They have not even been summoned for commission of offence of abetting suicide by the victim. Therefore, it is argued that they deserve to be given benefit of pre-arrest bail.

5. Status report has been filed by the respondent No.1 wherein it is submitted that the present petitioners were named by the complainant in his supplementary statement. During the course of investigation, they were found to be innocent and had not been arrested and challaned. Learned State counsel has also raised his arguments on the same point by submitting that it was on allowing of application under Section 319 of Cr.P.C. that the present applicants have been summoned as additional accused.

6. I have heard learned counsel for both the parties at considerable length and have gone through the record.

7. The petitioners are alleged to have formed membership of an unlawful assembly along with some other persons and in pursuance of common object of that unlawful assembly, they are alleged to have opened an assault upon the complainant, wrongfully confined him and his family members, snatched his mobile phone and are further alleged to have caused injuries to him. They have been summoned in pursuance of an application filed by the prosecution under Section 319 of Cr.P.C. by the learned trial Court. Their custodial interrogation is not required nor any recovery is to be effected from them. It is not the allegation against them that they had any hand in abetting the suicide of the victim. Taking

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all these circumstances into consideration, in my considered opinion, it is a fit case to exercise powers under Section 438 of Cr.P.C. and to extend benefit of pre-arrest bail to the petitioners. Accordingly, the petition is allowed subject to the condition that they will surrender before the learned trial Court within a period of 15 days and shall furnish personal/surety bonds to its satisfaction.

06.02.2024
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(MANISHA BATRA)
JUDGE

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