

CRM-M-57539-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-57539-2023

Date of decision:23.01.2024

Gurpreet Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nikhil Ghai, Advocate with
Mr. Gurjar Singh, Advocate for the petitioner.
Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0100 dated 15.06.2021, registered for the offences punishable under Sections 304-B, 120-B IPC at Police Station Kotbhai, District Sri Muktsar Sahib.

2. The case set up in the FIR in question is as follows:-

Statement Nihal Singh resident of Village Virk Khurd District Bathinda aged 53 years Mobile Number 94170-46288 stated that I am resident of the abovesaid address doing the agriculture work, and my younger brother Baljit Singh live separately in common house my brother Harjit Singh live separately. I being eldest among the brothers represent in the society being head of the family. Baljit Singh has one Kulbir Singh and one daughter Gagandeep Kaur, Kulbbir Singh is residing in Newzealand, whereas Gagandeep Kaur was married on 07.03.2021 with Gurpreet Singh son of Gurnam Singh resident of Khirkianwala District Sri Muktsar Sahib. At the time of fixing of match they did talk for any dowry but when the marriage came near then Gurpreet Singh and his sister Gurmeet Kaur wife of Gagandeep Singh resident of Bhaliana, Amandeep Kaur, Mandeep Kaur sisters of Gurpreet Singh and mother Sukhpal Kaur started demanding the dowry. That is why we gave one swift car bearing

registration No.PB-30-W-6623 and 15 tolas gold and some cash as shagun and other dowry articles to the in law family as per their demand. It was just after one month of the marriage in the month April, they sent my niece Gagandeep Kaur with her husband Gurpreet Singh and dropped her at our village and said that his family is not happy with the dowry articles given by our family. He asked to give five lacs more because have to change the car. There upon I went to drop my niece Gagandeep Kaur where was given rupees one lakh cash in front of the entire family. Gurpreet Singh and his sister Gurmeet Kaur wife of Gagandeep Singh resident of Bheliana and sister Amandeep Kaur, sister Mandeep Kaur and mother Sukhpal Kaur again said at this time they will rehabilitate the girl but said that one lakh rupees were not enough and asked to give another four lakhs. So thereafter the abovesaid family members of Gurpreet Singh used to ask our niece Gagandeep Kaur to make a phone call to us to bring the more money otherwise they will kill her. My niece Gagandeep Kaur also told me that all of them by putting her under the fear and got her voice recorded on mobile and used to say her that if they kill her then, they will show the recoding and nothing will happen to it. Then we started arranging for the money. We are small farmers so we could not arrange for the money. There upon on 11.05.2021 Gurpreet Singh and his family asked Gagandeep Kaur to make a phone call that we should come and take to her otherwise there is a threat to her life. So we had a discussion in our family and Bhinder Kaur (Mother of Gurpreet Kaur) and my son Bhola Singh brought her back to our house. She was under great fear when she came back. She told that her husband takes her phone and keep it with him and he sends messages from said phone to different person and tries to blackmail we they tried to make our never understand and go back to her inlaws but she continued refusing to go back to her inlaws and she was under immense threats. My niece Gagandeep Kaur has also given a complaint at police station Kotbhai regarding the harassment by in laws family. But Gurpreet Singh and his family agreed not to harass her and take her back to matrimonial house. It was to take reason we requested the police not to take any action. On 14.06.2021 Gurpreet Singh husband, Sukhpal Kaur mother in law and Mandeep Kaur sister in law came to our house and they stated that they will take her back to their house only if we arrange balance of Rs.4 lakhs within five days. They told that other they will not responsible her and will not allow her to rehabilitation anywhere. Our family agreed to send our niece Gagandeep Kaur with them with a house telling them we will make efforts to fulfill their demand of remaining

four lacs. But today morning my son Bhola Singh received a message from my niece Gagandeep Kaur that she has been administered the cellphones tablets. Thereafter when we tried to contact them but it we could not. Thereafter Gurpreet Singh made a telephone call to me that she has consumed celphose. I requested him that you take her to hospital we also coming. I begged Gurpreet Singh to save the life of Gagandeep Kaur. Our family got scared upon hearing about this. I along with my younger son Bhola Singh reached at the gate of Doctor Usha Bansal's Hospital there Gurpreet Singh his paternal uncle Gurmail Singh and his sister Manjeet Kaur were standing with my niece Gagandeep Kaur in front of the hospital they did not let us to go near our niece. Thereafter they started from there to different place and we followed them. When they reached at Civil Hospital Muktsar they told us that you have not fulfilled our demand of dowry. Now you take the dead body of your daughter. They went away from there. When we touched the body of Gagandeep Kaur then we came to know that she had already died and the body have become cold. We took our niece Gagandeep Kaur to Government Hospital Muktsar where doctor have declared her dead and told us to take her dead body to civil Hospital Gidderbaha for further action. We reached at Civil Hospital Gidderbaha. When we reached at Civil Hospital Gidderbaha with the dead body of Gagandeep Kaur they you met us. My niece Gagandeep Kaur has been harassed for dowry and has been killed by administrating poison by Gurpreet Singh husband, Gurmeet Kaur sister in law, Amandeep Kaur sister-in- law, Mandeep Kaur sister-in-law and Sukhpal Kaur mother-in-law after conspiring with each other legal action be taken against five persons. You have typed the statement given by me on computer which I have heard and read it to be correct. Sd/- Paramjit Singh.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.06.2021 and trial is not likely to conclude in near future as total 32 prosecution witnesses have been cited & an application under Section 319 of Cr.P.C. has been preferred by the complainant for summoning of additional accused. Learned counsel for the petitioner has further placed reliance upon a petition filed under Section 10 of the Hindu

Marriage, 1955 (copy whereof has been appended as Annexure P-2) to argue that there were strained relations between the petitioner-husband and the deceased-wife on account of the wife refusing to enter into sexual relations with the petitioner-husband. Learned counsel has further referred to a complaint dated 07.06.2021 made by deceased-Gangandeep Kaur to SHO Police Station Kotbhai, District Sri Muktsar Sahib wherein no allegation of dowry harassment has been leveled. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.01.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. After the arrest of the petitioner on 18.06.2021, investigation was completed and challan was presented on 27.10.2021 wherein total 32 prosecution witnesses have been cited. The rival contention of learned counsel for the parties, on merits, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into the rival contentions, at this stage, lest it may prejudice the case of either parties. As per custody certificate dated 22.01.2024, the petitioner has already suffered incarceration for a period of more than 02 years and 07 months & same does not reflect involvement of the petitioner in any other case. No tangible material has been brought on record to indicate the likelihood of the

petitioner fleeing from the process of law or interfering with the remaining prosecution evidence. In considered opinion of this Court, in the facts and circumstances of the case, further detention of the petitioner as undertrial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 23, 2024
Ajay

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