



-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRM-M-58128-2023(O&M)
Date of Decision:- 10.05.2024

Malwinder Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. H.S.Deol, Sr. DAG Punjab.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Malwinder Singh has filed the instant second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.90 dated 06.06.2022, under Sections 306 and 34 of IPC registered at Police Station Sadar Faridkot, District Faridkot.

2. The facts of the case are that the complainant – Balwinder Singh gave his statement to the police that his daughter/victim aged about 24 years got married with Malwinder Singh on 06.04.2021. He had given dowry as per his status. However, Malwinder Singh and his sister-Sia Kaur started harassing his daughter on the pretext of illicit relations of his daughter with some other boy. Her daughter disclosed to him regarding the harassment caused to her by her husband and sister-in-law. He tried to



-2-

make her understand and persuaded to live in the matrimonial home. On 31.05.2022, the complainant along with his wife went to meet their daughter who was unhappy. She disclosed that she was beaten up by her husband and she wanted to return to her parental house otherwise she would end her life. On 02.06.2022 at about 2:00 PM, he received call from his son-in-law-Malwinder Singh to enquire about the whereabouts of victim. They filed application giving missing report of his daughter at Police Station Sadar, Faridkot. Ultimately, dead body of the victim was recovered from Lakhawal head in Rajasthan Canal. The victim was identified from her clothes and tattoo on her left arm. The complainant alleged that the victim committed suicide on account of beating and ill-treatment given to her by her husband-Malwinder Singh and his sister-in-law-Sia Kaur. With these allegations, present FIR was registered.

3. Mr. Sandeep Verma, Advocate appears and files Vakalatnama on behalf of petitioner, which is taken on record. He argued that no offence under Section 306 IPC is made out. The petitioner and the deceased victim had love affair for the last about five years and ultimately they got married on 06.04.2021 in a simple manner in Gurudwara of village Dana Romana. She was living happily in the matrimonial home. She was in a habit of making videos and uploading the same on her instagram ID. She was disturbed on the death of renowned singer Shubhdeep Singh Sidhu Moosewala. The videos uploaded by her clearly show that she was happy in the matrimonial home. She was doing course of Nursing after 10+2. She was well versed with computer, tablet and mobile phone. The present petitioner was falsely implicated in this case who is in custody since 07.6.2022. The statement of material witnesses



-3-

have been recorded. He is ready to abide by the terms of bail order. It is prayed that his second regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. Detailed status report has been filed. It is pointed out that after the completion of investigation challan has been presented on 06.08.2022. Charge sheet was framed on 28.10.2022 and the case is fixed for prosecution evidence. It is further pointed out that prosecution has examined five witnesses and the case is pending for remaining prosecution evidence. The victim committed suicide within one year of marriage due to the cruelty and harassment caused by the petitioner. Therefore, second regular bail application filed by the petitioner may be dismissed.

5. I have considered the arguments and have gone through the record. It is matter of record that the first regular bail application filed by the petitioner bearing CRM-M-57371-2022 was dismissed as withdrawn vide order dated 01.05.2023. The present petitioner is the husband of deceased victim. As per his version, it was their love marriage performed in a simple manner. The date of marriage is 06.04.2021 whereas the occurrence took place on 02.06.2022. Admittedly, it is a case of unnatural death. The charge sheet was framed against the present petitioner along with co-accused on 28.10.2022. The other co-accused are on bail. Statement of complainant-Balwinder Singh has been recorded as PW-1, Lovepreet Singh-PW2, Hargobind Singh-PW3, Des Raj Singh- PW4, Harpreet Singh-PW5 and Dr. Deepak Goyal -PW6 have been recorded. Therefore, material prosecution witnesses have already been examined. The petitioner is behind the bars since 07.06.2022. Trial of this case may take some time. Considering the aforesaid factual position and without

expressing my mind on the merits of the case, the second regular bail application filed by the petitioner is allowed. He is ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Judge concerned.

6. The petition is, accordingly, accepted.
7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

10.05.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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