

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

232

Date of Decision:- 16.04.2024

1. CRM-M-59440-2023 (O&M)

AMANDEEP KAUR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

2. CRM-M-61835-2023 (O&M)

MALKEET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. B.S. Jaswal, Advocate for the petitioner(s).

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of this common order the above-mentioned two criminal miscellaneous petitions will be decided as they arise out of the same FIR.

2. The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in the following case:-

FIR No.	Dated	Sections	Police Station
71	30.08.2021	306 and 34 IPC	Mattewal, District Amritsar

3. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case. He submits that unfortunately on 26.08.2021, Harpreet Singh, husband of petitioner-Amandeep Kaur, committed suicide and on the basis of the statement given by his brother Joginder Singh, the proceedings under Section 174 CrPC were carried out vide Annexure P-2. He submits that the brother of the deceased had not raised any suspicion in the death of his younger brother but after a few days, the complainant, who is sister of the deceased living in her matrimonial home in another village, got the instant FIR registered on fictitious grounds. Consequent thereto, the petitioners were arrested on 08.08.2023 and since then they are in custody. He submits that the petitioners are not required for further investigation as the challan has already been presented in Court. He further submits that the deceased was married to petitioner-Amandeep Kaur for 16 years and there had not been any complaint regarding her behaviour. He contends that petitioner-Malkeet Singh has no concern with the incident and is in custody for no fault. Hence, he prayed for grant of bail to the petitioners.

4. *Per contra*, learned State counsel while referring to the status report submitted by the State in CRM-M-61835-2023, has opposed the grant of bail to the petitioners. However, he has not disputed the factual matrix and has admitted that consequent to the death of Harpreet Singh, the Police

had conducted the proceedings under Section 174 CrPC on the basis of statement given by his brother Joginder Singh, who had not raised any suspicion in the death of his brother. However, later on the FIR in question was registered on the statement of the present complainant, who is the married sister of deceased-Harpreet Singh. He has further admitted that challan has already been presented in Court and the deceased left no suicide note.

5. Heard.

6. After considering the respective submissions and perusing the record, it transpires that Harpreet Singh had committed suicide on 26.08.2021. The deceased was married with petitioner-Amandeep Kaur for the last 16 years and out of this wedlock, 2 children were born. Admittedly, no suicide note was left by the deceased and on the basis of the statement given by his brother Joginder Singh, the proceedings under Section 174 CrPC were carried out (Annexure P-2). However, after a few days, on the statement made by the present complainant, who is the married sister of deceased living in another village, the Police registered the present FIR (Annexure P-1) and arrested the petitioners on 08.08.2023 and since then they are in custody. It is evident from the status report submitted by the State that the chemical examiner report revealed that no poison was detected. Admittedly, challan has already been presented in Court where it is pending for trial and 16 witnesses have been cited by the prosecution out of which none has yet been examined. The conclusion of trial to ascertain the criminal liability, if any, of the petitioners, will take sufficient long time and no

purpose would be served by detaining the petitioners in custody any longer.

7. In these circumstances, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

16.04.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No