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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60528-2023 (O&M)

Date of Decision: 31.07.2024

MAJOR SINGH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., 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.03 dated 08.01.2023, registered for the offences punishable under Sections 302 and 120-B of IPC and in alternative under Section 304-B of IPC at Police Station Phul, District Bathinda.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of Statement, statement of Shingra son of Bir Singh son of Chota Singh, resident of Karamgarh, Patti Chahil. Police station Thuniwal, District Barnala aged about 46 years Mobile No. 84373-25478 states that I am resident of above said address and doing the work of labour my daughter Amandeep Kaur aged about 24 years was married marriage about 5 years to Major Singh son of Sadhu Singh resident of Jammu Patti Dhapali and from the marriage one son Fateh Veer Singh was born aged about 10 months my son in law major Singh used to beat my daughter from the beginning of the marriage and used to harass her and used to demand money from my daughter regarding house hold chores and used to say to my daughter

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Amandeep Kaur to bring money from the parents family and our daughter Amandeep kaur expressed her inability before us and in order to settle our daughter we had given money to Major Singh 4- 5 times but then also he did not mend his ways and even then he had beaten our daughter and whenever our daughter came to meet us or we went to meet our daughter she used to tell us regarding the occurrence and my daughter was not taken to any marriage or any other function and today also my uncle's son of Bhoa Singh son of Chota Singh sons marriage Sons Rajdeep Singh resident of Karamgarh marriage was there and he did not allowed Amandeep kaur marriage due to to which they had go in the altercation between them. Today at about 1.30 PM in the day my uncle son Nachhattar Singh son of Joginder Singh met me and told me that our daughter Amandeep kaur had committed suicide by hanging at her in laws house and when I along with my wife Ninder Kaur and son Hardeep Singh and other relatives reached village Dhapali then the dead body of our daughter Amandeep Kaur was lying on the floor and gathering of people was there I asked father in law Sadhu Singh that what happened how my girl has died then he told that your daughter has committed suicide by hanging with the cot in the room and after seeing the situation and inquiry like this suicide cannot be committed by hanging with the cot and we had full apprehension that our son in law Major Singh had murdered my daughter and in the murder of my daughter other persons / persons are also liable so justice be given us regarding the murder of my daughter and legal action be taken. Statement given heard correct. LTI Shingra Singh. Further attested by Harpreet Singh son of Shingra Singh, Krishan Singh ASI police station Phul. Dated 08.01.2023.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.01.2023. Learned counsel for the petitioner has further argued that from the factual matrix of the case in hand, the offence under Section 304-B/302 of IPC is not made out against the petitioner as there is no material/evidence to reflect that any dowry harassment was caused to the deceased. Learned counsel for the petitioner has submitted that the deceased had, in fact, committed suicide on account of her being in depression. Thus, regular bail is prayed for.



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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.

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

6. The petitioner was arrested on 10.01.2023 whereinafter investigation was carried out & challan was presented on 06.04.2023. Charges have been framed on 31.05.2023 and no witness has yet been examined. Culmination of the trial, but of course, will take its own time. The rival contention of the learned counsel for the parties; as to whether the offence under Section 304-B/302 IPC is made out against the petitioner in the factual matrix of the case in hand & as to whether the deceased had committed suicide on account of being in depression; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 31.07.2024 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 year and 06 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.

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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/Illaqa 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

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11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

31.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No