



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

**CRM-M-22070-2024 (O&M)
Reserved on: 18th December 2024
Date of decision: 13th January 2025**

BALVEER SINGH

.....Petitioner

versus

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. Riffi Birla Bala, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "*the Code*"), seeking regular bail in case FIR No.212 dated 24.10.2023, under Section 306 IPC, 1860, registered at Police Station Sadar Fazilka, District Fazilka (Annexure P-1).

2. Learned counsel for the petitioner contends that the behaviour and conduct of the prosecutrix (wife of the petitioner) was not good and in this regard, many Panchayats were convened. The wife of the petitioner was having an extra-marital affair with another boy despite the fact that the marriage of the petitioner and the prosecutrix was solemnized 12 years before the alleged occurrence and out of the wedlock, there are 02 children aged 10 years and 08 years respectively. The prosecutrix intended to dissolve the marriage with the petitioner and she wanted to solemnize marriage with a third person namely



Gurpreet Singh @ Goru. The prosecutrix used to mix sleeping pills in the food of the petitioner.

2.1 It is further contended that the petitioner came to know about the relationship of the prosecutrix by hearing a recorded conversation *inter se* the prosecutrix and the aforesaid person on her mobile phone and when the prosecutrix was confronted, she created a scene in the house. The petitioner's mother moved an application before the SSP, Fazilka for nominating the aforesaid Gurpreet Singh @ Goru as an accused in the present case but incomplete investigation has been conducted. The petitioner is in custody since 29.10.2023 and he has never aided or instigated his wife to commit suicide.

3. On the other hand, learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner.

3.1 Learned State counsel submits that the victim moved a written complaint dated 16.06.2023 to the SSP, Fazilka regarding the harassment suffered by her. Referring to the status report dated 03.06.2024, filed on behalf of the respondent-State, it is submitted that the victim committed suicide being constantly harassed by the petitioner and Aluminium Phosphide has been detected in the contents of the viscera, as per the report dated 07.02.2024, received from the Chemical Examiner. However, this fact has been confirmed that investigation is complete and challan/final report under Section 173 of the Code has already been presented before the trial Court. Out of total 12 prosecution witnesses, 04 witnesses have been examined.

4. I have heard the learned counsel for the parties and perused the relevant documents.



5. The victim was married to the petitioner about 12 years prior to the occurrence and she is having two children out of the wedlock. It is the case of the petitioner that the prosecutrix committed suicide as she was not happy with the marriage and she was having an extra-marital affair with another person namely Gurpreet Singh @ Goru. As per the status report dated 29.07.2024, during the investigation, no evidence was found that the victim was having any alleged relationship with the aforesaid person or that she used to talk to the said person.

6. The petitioner did not produce any call records regarding the alleged relationship of the prosecutrix with Gurpreet Singh @ Goru. The victim is alleged to have given a written complaint dated 16.06.2023 to the SSP, Fazilka. Photocopy of the said application in vernacular is part of the paper book. As per the contents of the said application, the victim has alleged that her husband (petitioner) was a drug addict. He used to beat and pressurize the victim to bring money from her widow mother. She has categorically alleged that the petitioner used to beat the victim in front of their children and their children used to weep. A specific instance dated 06.06.2023 has been mentioned in the said complaint that the petitioner had demanded a sum of ₹50,000/- from the victim and she was kept hungry for 10-12 days. She was confined and beaten up with rod. She somehow managed to run away and reached her parental home. The petitioner is alleged to have committed suicide on 23.10.2023 i.e. about 04 months after submitting the said complaint to the Police.



7. Keeping in view the gravity of allegations levelled against the petitioner, the fact that the victim committed suicide while residing with the petitioner and also in view of the fact that the victim filed a complaint 04 months prior to the occurrence, the petitioner is not entitled to the grant of regular bail.

8. Consequently, the present petition stands dismissed.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th January 2025
simran

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>