

2025:PHHC:112255



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-33409-2024

Date of decision: August 25, 2025

GURPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.P.S. Ghuman, Advocate (through VC)
Mr. P.S. Mann, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
with ASI Manmohan Singh.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.82 dated 16.06.2023 under Sections 302, 34 of Indian Penal Code, 1860, registered at Police Station Kotwali Nabha, District Patiala (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner, who is the brother-in-law (*devar*) of the deceased, has been falsely implicated in the present case; the only allegation against the petitioner is that a day prior to the deceased Jaswinder Kaur having been found dead in her matrimonial home, she telephonically told her father i.e. the complainant Sucha Singh that her husband, co-accused Amandeep Singh and the petitioner had been indulging in taunts regarding her character. It has been argued by the learned counsel that the falsity of the case of the prosecution stands substantiated from the fact that while stepping into the witness box,



the father, who spelt out the motive to commit the crime, had not supported the case of the prosecution, as a result of which, he was declared hostile. It has also been submitted that PW Swaran Singh, another immediate family member of the deceased also did not support the case of the prosecution during trial, as a result of which, he too was declared hostile. Learned counsel has submitted that other than this piece of evidence, there was no other incriminating evidence to link the petitioner with the murder of Jaswinder Kaur. It has also been submitted that the petitioner has been in custody since 17.06.2023; as many as 12 prosecution witnesses including the complainant stand examined, however, 12 witnesses still remain to be examined, and therefore, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed that two of the material witnesses including the father of the deceased, who is also the author of the FIR, had been declared hostile during trial. He, however, submits that during investigation and at the time of the postmortem on the dead body of the deceased, some hair was lifted from the clenched fist of the deceased, which matched with co-accused Amandeep Singh. On being pointedly asked as to whether there was any forensic evidence of a similar kind linking the present petitioner with the crime in



question, he, on instructions, has replied in the negative. However, learned State counsel has reiterated the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

“At present it reported that a is statement from Sucha Singh son of Hari Singh Resident of House Number 357 Ward Number 11 near Fauji di Chakki Pathana Wala Mohalla Sanaur Tehsil and District Patiala written by Insp. Harry Boparai Station House Officer Police Station Kotwali Nabha for registration of case under section 302, 34 of IPC against Amandeep Singh and Gurpreet Singh sons Baldev Singh resident of Gobind Nagar near 40 number Fatak, Buhi Road Nabha was received by hand through SC Randhir Singh 2246/Patiala in Police Station. The contents of the same son is of as under. Statement of Sucha Singh Hari Singh resident of House Number 357, Ward Number 11, Near Fauji Di Chaki, Pathana Wala Mohalla, Sanaur, Tehsil and District Patiala aged around 53 years, Mobile Number 96465- resident of above 74165, Stated that I mentioned address and I am am doing work of plying Auto. I have two daughters and two out of which eldest is Satnam Singh sons, aged 25 years, younger than him is Manpreet Kaur aged 24 years, younger than her is daughter Jaswinder Kaur aged 22 years and youngest is my son Karan Singh aged 19 years. That marriage of my daughter Jaswinder Kaur was on solemnized dated 28.01.2023 with Amandeep Singh son of Baldev Singh resident of Gobind Nagar near 40 Number Fatak Thuhi Road Nabha. That after some days of the marriage itself my son-in-law Amandeep Singh started suspecting upon the Character of my daughter Jaswinder Kaur and due to said grudge, he started assaulting my daughter and started demanding Motorcycle in this regard me over am my daughter Jaswinder Singh told phone on number of times, that since I poor so I kept on exhorting my daughter, that during last Month in the month of May my son- in-law Amandeep Singh after assaulting my daughter had dropped my daughter Jaswinder Kaur to me at Sanaur. That he used to suspect upon the Character of my daughter and was filed had a Station demanding dowry, that we complaint against him at Police Sanaur, in this regard compromise arrived at a was Panchayat level and my son-in-law brought back my daughter along with her at Nabha on dated 12.06.2023. That on dated 13.06.2023 my daughter informed me over phone from the Mobile phone of her husband



Amandeep Singh 88378-90054 upon my phone 78885-93446 that "Amandeep and my brother-in-law Gurpreet Singh were taunting me yesterday itself that you are having illicit relations with someone and your character is not good. We shall punish you for the same." That I exhorted my daughter that we are poor persons, nothing to worry you That may exhort your husband. thereafter I had no talk with my daughter and phone of Amandeep was found switched off. That today I along with my son Satnam Singh and along with my nephew Swaran Singh son of Kirpal Singh resident of Khalsa Colony Ward Number 11 Sanaur Tehsil and District Patiala in order to know about the wellbeing of my daughter had come to her house at Nabha. That her house was open and on the rear side room of the house my daughter was lying dead, blood was oozed and coagulated from her nose and it appears that injury has been inflicted upon the right eye, murder of my daughter has been committed by strangulating her throat with Chunni, that murder of my daughter has been committed by my son-in-law Amandeep Singh jointly with his brother Gurpreet Singh, because he was suspecting upon the character of my daughter and was demanding Motorcycle from us, I left my son Satnam Singh at the spot along with my nephew Swaran Singh was coming to Police Station to inform, you met at the Meham Gate Nabha and I have recorded my statement to you, heard it, which is correct, appropriate action may be initiated. Sd/- Sucha Singh above named. Signatures confirmed by Sd/- Swaran Singh above named."

4. I have heard learned counsel for the parties and perused the relevant material placed on record.
5. The petitioner has been in custody since 17.06.2023. The case of the prosecution rests primarily on circumstantial evidence and the motive to commit the crime was the suspicion of the petitioner and his brother, co-accused Amandeep Singh (husband of the deceased) regarding the character of the deceased. This motive was spelt out by the complainant while lodging



the FIR. However, as conceded by the learned State counsel, this material witness was declared hostile during trial.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner.

7. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

August 25, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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