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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33648-2024 (O&M)

Date of Decision: 15.01.2025

Jiwan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Madan Sandhu, Advocate, for the petitioner.

Mr.P.S. Bhandari, AAG. Punjab.

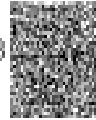
Mr. Akun Sheemar, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.75 dated 01.05.2022, under Section 306 IPC (Sections 302, 307, 34, 109 IPC added later on), registered at Police Station Bhikhi, District Mansa.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for 2 years and 8 months. He submitted that 9 out of 18 cited prosecution witnesses have been examined and 3 have been given up. He submitted that it is a case where the incident whereby the wife of the petitioner died took place after about 10 years of their marriage and they had three children i.e. two daughters and one son. He further submitted that one daughter was of the age of 9 years, younger to her was a son of the age of about 3-4 years and younger to him was again a daughter of the age of 1 year.

He submitted that the allegations against the petitioner were that the deceased



had committed suicide alongwith her children but later on during the course of investigation the provisions of Sections 302 and 307 IPC were added. He submitted that it was not a case of Section 302 IPC but at the most it could have been a case of Section 306 IPC because at the time of death the deceased was in the house of her parents and therefore, considering the aforesaid custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr.P.S. Bhandari, learned AAG. Punjab has opposed the grant of bail to the petitioner on the ground that it is a case which involves serious and heinous offence. He submitted that it is a case where the wife of the petitioner died alongwith her two children which includes one minor daughter and one minor son and only one child i.e. the daughter survived. He submitted that there is direct attribution towards the petitioner in the present case and considering the aforesaid gruesome action on the part of the petitioner, he does not deserve the concession of regular bail and there is strong apprehension that in case the petitioner is released on regular bail, then he may not only abscond from justice but he may also influence the remaining witnesses and therefore, considering the gravity of the offence, the petitioner does not deserve the concession of regular bail.

4. Mr. Akun Sheemar, learned counsel appearing on behalf of the complainant submitted that at the time of the statement given by the deceased she had specifically stated that the petitioner came to her and he administered poison. He has also opposed the grant of bail to the petitioner.

5. I have heard the learned counsel for the parties.

6. The petitioner is in custody for 2 years and 8 months and as per learned counsels for the parties, there are total 18 prosecution witnesses out of which 9 have been examined including the complainant and 3 have been given



up. A perusal of the FIR and the role attributable to the petitioner would show that it is a case where the petitioner was married to the deceased and they had three minor children i.e. two daughters of the age of 9 years and 1 year and a son of the age of about 3-4 years. The death of the wife of the petitioner and two minor children i.e. one daughter and one son had taken place due to consuming of poison and in this way, three lives were lost. This Court does not wish to go into the merits of the present case because the trial of the case is already proceeding but this Court is of the considered view that considering the gravity of the offence where such serious offence has been committed, this Court does not deem it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

15.01.2025

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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