

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(228)

CRA-S-2034-2025 (O&M)
Date of Decision: 08.12.2025

GURPREET SINGH @ HAPPY

.....Appellant

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vivek K. Thakur, Advocate and
Ms. Mehak Bedi, Advocate for the appellant.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

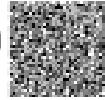
CRM-42417-2025

Allowed as prayed for subject to all just exceptions. Annexures
P-5 to P-7 are taken on record.

CRA-S-2034-2025

1. The appellant has filed this appeal assailing the order dated
dated 06.05.2025 passed by learned Judge, Special Court, Kapurthala,
whereby the bail application filed under Section 483 of BNSS for grant of
regular bail in case FIR No.07 dated 29.01.2025 registered under Sections
80 & 85 of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(5) of Scheduled
Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police
Station Begowal, District Kapurthala, has been dismissed.

2. Mr. Ankit Sharma, Advocate has put in appearance on behalf of
respondent No.2 and files his power of attorney, which is taken on record.



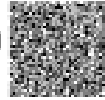
3. The translated version of the FIR is reproduced below:-

“Statement of xxxx daughter of Love Gill, resident of Kamrai, Police Station: Bholath, District: Kapurthala, aged about 40 years, Phone Number: 84270-xxxxx. Stated that I am a resident of the afore-mentioned address and doing the household work. I am having three children, elder daughter xxxxx, aged about 23 years, younger to her age two sons Arshdeep Gill and Anmoldeep Gill. The marriage of my elder daughter xxxxx was solemnized about 2 years ago with Gurpreet Singh alias Happy son of Jaspal Singh, resident of Maqsudpur, Police Station: Begowal, District: Kapurthala, from whose womb, one daughter xxxxx was born who is about one year old and my daughter was again pregnant for three months. When my daughter was married, then her in-laws' family was harassing her immensely and we being the poor persons, we did not give any dowry in the marriage, due to which her mother-in-law xxxxx, brothers-in-law (husband's younger brothers - 'Devar') Saabi and Sagar were continuously harassing my daughter for bringing dowry. Yesterday, i.e. dated 28.01.2025, my daughter's condition was deteriorated and my daughter's mother-in-law (xxxxx) - xxxxxx told me over phone that xxxxxx, xxxxx's condition has been worsened, hence, you should reach immediately, on which I hurriedly reached at Walia Hospital, Nadala, thereafter due to condition of my daughter being very serious, the Doctor Sahib at Walia Hospital, Nadala, stopped her treatment and we took our daughter to Patwalia Hospital, Bholath, where Doctor Sahiv declared my daughter as already dead (brought dead) and asked to take her back and simultaneously, the in-laws' family members of my daughter, on getting chance, slipped away from there. We fully believe that my daughter has been administered some poisonous medicine by her in-laws' family, due to which my daughter had died. Appropriate legal action may kindly be taken against the afore-mentioned in-laws' family of my daughter. The bone of contention is that my daughter was from a poor family, who was frequently being harassed and given beatings without any rhyme or reason, due to which they have administered some poisonous medicine to her, due to which she had died. Requisite legal action may kindly be taken against them. The statement has been recorded, heard, the same is correct. Sd/- xxxxx, wife of Love Gill, afore-mentioned. sd/- xxxxx, Attested Sukhraj Singh A.S.I.”



4. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in the instant FIR on the statement of the complainant, alleging therein that the appellant and his family members had administered some poisonous substance to her daughter due to non fulfillment of their dowry demands, which led to her death. It is submitted that the only vague allegations have been levelled against the appellant, to substantiate which there is no material on record. In fact, the appellant and the daughter of the complainant had been happily married for the last two years and were also blessed with a child. During the two years of their marriage, no complaint was ever made before the official authorities. Learned counsel submits that the material witnesses in the instant case stand examined. The complainant has not supported the case of the prosecution before the learned trial Court, and stated in her testimony that her daughter had been in depression, because of which she committed suicide. Neither the appellant nor any of his family members are responsible for the death of her daughter. He further submits that the appellant, and has already undergone an actual custody of 9 months and 27 days.

5. *Per contra*, learned State counsel as well as learned counsel for respondent No.2 have vehemently opposed the submissions made by the learned counsel for the appellant. Learned State counsel states that the appellant was actively involved in the commission of the offence. He has filed custody certificate as well as status report by way of affidavit of PPS, Deputy Superintendent of Police, Sub Division Bholath, Kapurthala in the Court today and the same are taken on record. As per custody certificate, the appellant has undergone an actual custody of 9 months and 27 days. Two other FIRs were registered against the appellant, out of which he has been



21 of the Mines Act but was acquitted for the offence under Section 379 IPC in the other FIR. Investigation in the instant case is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. The charges were framed on 09.07.2025 and out of a total of 17 prosecution witnesses, three have been examined. He submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Admittedly, the charges were framed on 09.07.2025 and out of total 17 prosecution witnesses, only 3 have been examined till date, including the material witness, i.e. the complainant, who has turned hostile before the learned trial Court. The appellant has undergone actual custody of 9 months and 27 days. No useful purpose shall be served by further detention of the accused-appellant. Keeping the appellant in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh and another"*, (2018) 3 SCC 22.**

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellant shall also abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.



- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
 - (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
 - (iv) The appellant shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
 - (v) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

December 08, 2025
Ithlesh

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