

2025:PHHC:034744



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

114

CRM M-40659 of 2024

Date of Decision: 27.02.2025

Sohan Singh

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arpandeep Narula, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 439(2) read with Section 482 Cr.P.C. with a prayer to set-aside the impugned order dated 01.08.2024 passed by the Court of Additional Sessions Judge, Sirsa, whereby, the concession of regular bail was granted to respondent No. 2 in case FIR No. 154 dated 04.08.2023 registered under Sections 109, 120-B, 302, 323 and 34 of IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 at Police Station Baragudha.

2. The FIR in the present case was registered on the basis of the statement of Sohan Singh petitioner and the same has been reproduced below:-

“Statement of Sohan Singh son of Chand Singh resident of Thiraj, District Sirsa, aged 64 years, Mobile number of son 97294-62123 Stated that I am resident of above mentioned address and am doing Agriculture work. I have one son and one daughter both of them are married. That marriage of my daughter Amritpal Kaur was solemnized 17 years ago with Balkaur Singh son of Buta Singh Resident of Sukhchain. After some time of marriage my son-in-law Balkaur Singh used to quarrel with my daughter Amritpal Kaur repeatedly because Balkaur Singh was having illicit relations with some lady outside. So he used to say repeatedly to my daughter Amritpal Kaur that I have to get rid of you so that I can solemnize my second marriage. That amid this fact parents of my son-in-law Balkaur Singh and his relative Paternal Uncle (Fufa) namely Darshan Singh Ex-Sarpanch Taruana used support him. In this concern our Panchayat was also held on 2/3 occasions, then we exhorted Balkaur Singh that your daughter Sukhmandeep Kaur and son Jagmohan Singh are now young, you have to solemnize marriage of them rather, you got it understood and do not ruin your home without any reason. That Balkaur Singh had also filed a divorce case in the Hon'ble Court at Sirsa, that even after exhorting him on repeated occasions, he had oust my daughter Amritpel Kaur from his house at Village Sukhchain, then with lot of struggle after one year after making him to understand at Panchayat level had left my daughter at Village Bukhchain. After some days thereafter again as in past itself my son-in-law Balkaur Singh and his parents started taunting her on every

issue and quarrelling with her and asked to leave the house, that my daughter informed her family in this regard then yesterday on dated 03.08.2023 I had come to meet my daughter Amritpal Kaur at Sukhchain that I tried to exhort while sitting together and I stayed in the house of my daughter at Village Sukhchain. Today at around 11/11.30 hrs I had gone from the house of my daughter towards Bus Stand for roam around and I was Just near the Bus Stand then in the meanwhile I heard noise of clamour from the house of my daughter then upon hearing the clamour I rushed to the house and saw that my son-in-law Balkaur Singh and his parents were saying that our job has done, lets run away from here, at that time I saw that Balkaur Singh was carrying an Iron Rod and some sharp edged weapon also and Buta Singh was also having Iron Pipe. At the same time Balkaur Singh while pushing me aside fled from the spot along with his parents with their respective weapons. Then I went inside the room and saw that my daughter was lying in naked condition, whose both hands were tied on waist from behind with a Chunni and there was substantial injuries upon her head and lot of blood was oozing from her head. Injuries marks were also present upon left elbow. I raised clamour of "killed-killed" and at the spot of persons of the village came after hearing the clamour and I informed my family about the incidence. Murder of my daughter Amritpal Kaur has been committed by Balkaur Singh and his father Buta Singh and mother Sukhwinder Kaur together and in this conspiracy Paternal Uncle (Fufa) of Balkaur Singh Darshan Singh and his son Chamkaur Singh residents

of Taruana are also involved. Strict legal action may be initiated against all of them and justice may be served. Who, upon reading his statement, accepting it as correct appended his signatures underneath the same in English. I attested it, Keeping in view of above sd/- SOHAN SINGH”.

3. After the registration of the FIR, the respondent No. 2 was arrested on 13.08.2023. Thereafter, the respondent No.2 moved an application for grant of regular bail under Section 439 Cr.P.C. and vide the impugned order dated 01.08.2024, he was granted the concession of regular bail. Learned counsel for the petitioner vehemently contends that the respondent No.2 filed the first regular bail petition before the Court of Additional Sessions Judge, Sirsa and the same was dismissed as withdrawn on 31.05.2024. However, just after two months, vide the impugned order, the Additional Sessions Judge, Sirsa, allowed the petition without change of circumstances. Further, the trial Court wrongly held that the case of respondent No. 2 was on parity with Sukhwinder Kaur, co-accused whereas the role played by both of them was different. In fact, the respondent No.2 was carrying an iron rod at the time of commission of the offence and Sukhwinder Kaur was simply stated to be present at the spot. Thus, the respondent No.2 had played an active role in the commission of the crime. Still further, the respondent No.2 may influence the two minor children of the deceased, who are prosecution witnesses and

who are yet to depose against their own father, grand-father and grand-mother.

4. I have heard learned counsel for the parties and perused the record carefully.

5. The Hon'ble Supreme Court in the matter of **M. Dharmarajam and others Vs. State of Telangana and another, 2020 (1) RCR CrI. 540** has held as under:

“The factors to be considered while granting bail have been held by this Court to be the gravity of the crime, the character of the evidence, position and status of the accused with reference to the victim and witnesses, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of his tampering with the evidence and witnesses, and obstructing the course of justice etc. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the Court. The court has to only opine as to whether there is prima facie case against the accused. For the purpose of bail, the Court must not undertake meticulous examination of the evidence collected by the police and comment on the same.”

7. In **Raghubir Singh v. State of Bihar** this Court held that bail can be cancelled where (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would

hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted to.

8. It is trite law that cancellation of bail can be done in cases where the order granting bail suffers from serious infirmities resulting in miscarriage of justice. If the court granting bail ignores relevant material indicating prima facie involvement of the accused or takes into account irrelevant material, which has no relevance to the question of grant of bail to the accused, the High Court or the Sessions Court would be justified in cancelling the bail.”

6. In the present case, Balkaur Singh son of respondent No. 2 was married to Amritpal Kaur, since deceased, daughter of the present petitioner about seven years ago. After some time of marriage, Balkaur Singh started quarreling with Amritpal Kaur as he had illicit relations with some other woman and he wanted to get rid of her, so that he may perform his second marriage. Even, Balkaur Singh had filed a divorce petition against Amritpal Kaur, however, the matter was compromised and Amritpal Kaur again started residing in the matrimonial home. Thus, from the allegations levelled in the FIR, it is

evident that the motive was against Balkaur Singh to commit the crime and the respondent No. 2 had no concern with the matrimonial affairs of Amritpal Kaur and Balkaur Singh. Apart from that, the trial Court had rightly held that the respondent No. 2 was an old person aged about 64 years and was in custody for almost 10 months. Moreover, the case of respondent No.2 was also at par with Sukhwinder Kaur, who was already granted the concession of regular bail by this Court. Apart from that, there is no material on record to show that the respondent No.2 is in a position to tamper with the prosecution evidence or there are chances of his absconding from the process of law. Thus, finding no merits in the present petition, the same is ordered to be dismissed.

27.02.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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