



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

**CRM-M-58206-2024 (O&M)
Date of Decision:-09.04.2025**

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Varun Sharma, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Madan Sandhu, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case bearing FIR No.89 dated 21.10.2023, under Sections 406/498-A/494 of IPC (Sections 306/116 of IPC added later on) registered at Police Station Balianwali, District Bathinda.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for about 7 months and 11 days because he has been in custody since 28.08.2024. He submitted that the investigation in the present case has been completed and even the trial has commenced and only one prosecution witness has been examined till date. He further submitted that this is a case where the allegations against the



petitioner and his family members were made by his wife pertaining to demand of dowry. He also submitted that subsequently allegations were made regarding the petitioner's relationship with another woman and because of that reason the complainant had consumed poison and Section 306 of IPC was added. He submitted that complainant-wife is still alive and it was not a case of suicide.

3. He further submitted that the petitioner is working as a *Sepoy* in Indian Army and he is although in custody but no action has been taken against him pertaining to dismissal of his service and he is still in service . He also submitted that the Army is pressing hard upon the petitioner for taking further disciplinary action, which may lead to his dismissal from service. He submitted that considering the aforesaid facts and circumstances, and the dispute being essentially a matrimonial matter, the petitioner may be considered for the grant of regular bail Learned counsel for the petitioner also submitted that so far as the allegation pertaining to the fact that the petitioner had married another girl, whose name has been mentioned in the FIR, is concerned, the same is false because the aforesaid girl is actually married with the brother of the petitioner namely Aakashdeep Singh.

4. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. It is also correct that after consuming poisonous substance, as stated in the report of the forensic laboratory, the complainant-wife did not die and is still alive and the dispute is a matrimonial dispute. He also submitted that till today only one prosecution witness has been examined.



5. Learned counsel appearing on behalf of the complainant submitted that the allegations against the petitioner were not only with regard to the demand for dowry but also for giving beatings to the complainant and due to the beatings, the complainant had consumed poison but survived thereafter. He submitted that, considering the gravity and seriousness of the offence, the petitioner is not entitled for the grant of regular bail.

6. I have heard the learned counsels for the parties.

7. The custody of the petitioner is stated to be about 07 months and 11 days. The petitioner is stated to be serving as a *Sipoy* in the Indian Army and as per the learned counsel for the petitioner, he has not been dismissed from the service as yet.

8. As per the FIR, the dispute in the present case is a matrimonial dispute and apart from the above, the allegations were pertaining to beatings which resulted in the consumption of poison by the complainant. However, as per the learned counsels for the parties, the complainant-wife is alive, although poison was detected as verified by the forensic laboratory. Till today one prosecution witness has been examined, but the complainant-wife has not been examined.

9. The petitioner is stated to be a *Sepoy* in the Indian Army. Allegations were made against him regarding the demand of dowry and giving beatings to the complainant, which resulted in the consumption of poison by the complainant but the complainant-wife is stated to be alive. The petitioner has already faced incarceration for 7 months and 11 days and as per the learned counsel for the petitioner, the army authorities are



pressing hard for further proceedings towards the dismissal of the petitioner from service. Furthermore, it is neither the case of the learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses, or tamper with evidence particularly in view of the fact that the petitioner is serving in Indian Army.

10. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant bail to the petitioner.

11. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

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

(JASGURPREET SINGH PURI)
JUDGE

09.04.2025

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