
(2014) 05 P&H CK 0446

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-14256 of 2014

Amrik Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: May 29, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 304-B, 307, 34, 406, 498-A

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Jasdev Singh Mehndiratta, Advocate for the Appellant; Amarjit Kaur Khurana, Additional Advocate General, Advocate for the Respondent

Final Decision: Allowed

Judgement

Mehinder Singh Sullar, J.

Petitioner-Amrik Singh son of Jeet Singh, (father-in-law), has preferred the instant petition for the grant of regular bail, in a case registered against him along with his son & main co-accused Gurvinder Singh(husband), his wife Manjit Kaur(mother-in-law) and other son Jaswinder Singh(brother-in-law) of Upinderjit Kaur(deceased), vide FIR No. 41 dated 07.03.2014, on accusation of having committed the offences punishable under Sections 307, 406, 498-A and 34 IPC (the offence punishable u/s 304-B IPC was added later on), by the police of Police Station Sadar Patiala.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Tersely, the prosecution claimed that on 04.03.2013, Gurvinder Singh(husband), petitioner-Amrik Singh(father-in-law), Manjit Kaur(mother-in-law) and Jaswinder

Singh(brother-in-law), had conspired together and put Upinderjit Kaur on fire, subsequently, culminating into her death on 26.03.2014. She died unnatural death within a period of seven years of her marriage. According to the prosecution, she was treated with cruelty in connection with and on account of demand of dowry by the accused. As is evident from the record that, initially, Jasbir Singh, father of the deceased, has informed the police and stated that Gurvinder Singh, husband of the deceased, is a drug addict and he has attempted to kill his wife by putting her on fire.

5. Not only that, the Magistrate recorded the statement of the deceased on 04.03.2014(Annexure P-2), wherein, she has claimed that suddenly fire burst out of the gas burner, while she was in a process of switching on the gas and she got accidental fire. No doubt, in her second statement(Annexure P-3) recorded by the Magistrate on 07.03.2014, she has again reiterated that the accused used to demand Sunny car and they put her on fire. But, it totally contradicts her version contained in her first statement(Annexure P-2). Therefore, which of the version is correct or otherwise, is yet to be determined by the trial Court.

6. Meaning thereby, all the main allegations of cruelty are assigned to all the accused, including Manjit Kaur, mother-in-law and Jaswinder Singh, brother-in-law of the deceased. Indisputedly, during the course of investigation, main accused Manjit Kaur and Jaswinder Singh were found to be innocent and were exonerated by the police. Consequently, they were discharged by means of order dated 13.05.2014 by the Magistrate. As indicated here-in-above, the role of the present petitioner is identical to the one assigned to main accused Manjit Kaur, who was found innocent by the police and discharged by the Magistrate. Therefore, taking into consideration the contradictory stand taken by the deceased in her statements(Annexures P-2 & P-3) and the fact that Manjit Kaur, wife & similarly situated co-accused of the petitioner, was found innocent and discharged, as to whether the penal provision u/s 304-B IPC is attracted to the facts of the present case against the petitioner or not, inter alia, would be a moot point to be decided during the course of trial by the trial Court.

7. Be that as it may, the petitioner was arrested on 08.04.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. Since, even charges have not yet been framed against the accused, so, the conclusion of trial will naturally take a long time.

8. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate, Patiala.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the case, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.