

**CRM-M-61908 of 2023 (O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-61908 of 2023 (O&M)****Date of decision : January 22, 2025****Boota Singh****..... Petitioner****Versus****State of Punjab****..... Respondents****CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI*********

Present :- Mr. Vivek K. Thakur, Advocate
for the petitioner.

Ms. Seena Sandhu, AAG., Punjab.

*********JASGURPREET SINGH PURI, J (Oral)**
CRM-34526-2024

This is an application under Section 528 B.N.S.S. for exemption and to place on record challan dated 16.08.2023 as Annexure P-3 and compromise dated 03.08.2024 as Annexure P-4.

For the reasons mentioned in the application, the same is allowed. Annexures P-3 and P-4 are taken on record.

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1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.39 dated 10.07.2023 registered under Section 306 IPC at Police Station Amir Khas, District Fazilka.
2. It is submitted that the petitioner is in custody since 10.07.2023 which is almost 1 ½ year and it is submitted that three witnesses have been examined including the complainant who is brother of the deceased and he has not supported the case of the prosecution at the time of trial, therefore the petitioner is entitled for grant of regular

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bail. He has also referred to Annexure P-4 wherein a compromise has been effected between the petitioner and the complainant with the intervention of the respectables and therefore, in view of the aforesaid compromise the petitioner is entitled for grant of regular bail.

3. On the other hand, learned State counsel has opposed the grant of regular bail to the petitioner on the ground that it is a case where the deceased-wife died on 10.07.2023 after about two months of her marriage with the petitioner. It is submitted that as per the FIR which was registered on 10.07.2023, on 07.07.2023 at about 7.30 a.m one Raj Singh father-in-law of his sister-the deceased had told him on phone that the deceased and Boota Singh-petitioner went to Makkar Nursing Home, Jalalabad to take medicine where she has been admitted and that condition of his sister was very critical then complainant met the doctor who told him that she has consumed some poisonous substance thereafter the complainant asked his sister regarding the same and she replied that her in-laws were harassing her a lot and she has tried to tell them about the same many times. Due to the aforesaid reason, the in-laws of the deceased after conspiring with each other had given her a poisonous medicine lying in the house. She submitted that as per the allegations the aforesaid Raj Singh who is father-in-law of the deceased had informed the complainant who is brother of the deceased that she was taken to a Nursing Home and the father of the petitioner namely Raj Singh had told the entire sequence of events to the complainant which was in turn told to the police and present FIR was lodged. It is submitted that after death of the

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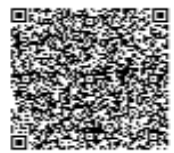
deceased when the complainant in the present case stepped into the witness box he did not support the prosecution version for the reasons best known to him. It appears that the aforesaid non supporting of the prosecution version was an outcome of the compromise which was effected between the petitioner and the complainant vide Annexure P-4 which otherwise is not permissible under the law. Therefore, the mere fact that the complainant who is brother of the deceased has not supported the prosecution version and has been declared hostile cannot still become a ground for grant of bail to the petitioner considering the aforesaid serious and heinous allegations against the petitioner and also in view of the fact that the deceased-girl died just after two months of marriage. Considering the gravity of the offence, the petitioner is not entitled for grant of bail.

4. Mr. Angad Parmar, Advocate has also appeared on behalf of the complainant and he has stated that later on a compromise has been effected between the petitioner and the complainant in which the matter was settled and therefore, he has no objection in case bail can be granted.

5. I have heard learned counsel for the parties.

6. The custody period of the petitioner is about 1 ½ years and the complainant namely Gurjant Singh stands examined. The aforesaid FIR is reproduced as under:-

“Statement of Gurjant Singh son of Raj Singh, resident of Prabhat Singh Wala Hithar, PS Sadar Jalalabad, aged about 23 years, M.No.94638-97636. Stated that I am resident of above said address and doing the work of bike

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repair. We are five sister and brothers. All are married. The marriage of my younger sister Jeeto Rani was performed with Boota Singh son of Raj Singh resident of Dhani village Daroga prior to 2 months according to Hindu rites and ceremonies. On 07.07.2023 at about 7:30 AM, Raj Singh son of Kirpal Singh resident of Daroga (father-in-law of my sister) told me on phone that Jeeto Rani and Boota Singh went to take the medicine where your sister has been admitted in Makkar Nursing Home, Jalalabad. I and my wife Sonia Rani saw on reaching hospital that the condition of my sister Jeeto Rani was very critical then I met the doctor who told that she has consumed some poisonous substance then I asked my sister and she replied that my in-laws family were harassing me a lot regarding which I was trying to tell many times. Due to this reason, my father-in-law Raj Singh son of Kirpal Singh, Chhinder Rani wife of Raj Singh mother-in-law, Boota Singh son of Raj Singh resident of Dhani Daroga and Meet Singh son of Gurdeep Singh, Neelam Rani wife of Meet Singh, residents of Kandh Wala all by conspiring with each other given the poisonous medicine lying in the house to me. Today we have been informed on phone that Jeeto Rani has expired during treatment. My sister is dead due to poisonous substance given to her by above said Raj Singh, Boota Singh, Neelam Rani, Chhinder Rani and Meet Singh by conspiring with each other. Appropriate legal action be taken against above said persons. I am aggrieved. Statement has got been recorded which is correct. Sd/ in English Gurjant Singh. Seconded Sd/- in Punjabi (statement identified) Raj Singh son of Gajjan Singh..”

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7. A perusal of the FIR would show that the deceased died just two months after the marriage and the complainant who is brother of the deceased was informed by the father-in-law of the deceased that the deceased and the petitioner went to take medicine and the deceased has been admitted to a Nursing Home and when the aforesaid brother of deceased and his wife saw on reaching the hospital that condition of his sister Jeeto Rani was very critical then they met the doctor who told them that she has consumed some poisonous substance then the complainant Gurjant Singh enquired from his sister, to which she replied that her in-laws were harassing her a lot and she tried to tell them about the same many times and due to this reason all the family members after conspiring with each other had given her poisonous medicine lying in the house.

8. During the course of investigation as so stated by learned counsel for the parties all the family members were exonerated and only the petitioner was chargesheeted.

9. Reliance has been placed by learned counsel for the petitioner on Annexure P-4 which is a compromise between the petitioner-accused and the complainant who is brother of the deceased. In the compromise it is so stated that it was on the basis of the complainant's misapprehension and public opinion that the present FIR was lodged and the matter has now been settled between the parties with the intervention of the respectables and in order to avoid waste of time and money the rivalry should end at the spot, and therefore the parties have compromised the matter. In view of the



judgment of the Hon'ble Supreme Court passed in Criminal Appeal No.1061 of 2022 titled as **“Daxaben Vs. State of Gujarat and others 2022 AIR (SC) 3530”**, decided on 29.07.2022, wherein while dealing with the aforesaid issue as to whether there can be a compromise in suicide cases on behalf of the deceased or not, it was observed by the Supreme Court that there can be no compromise on behalf of the deceased person. The Hon'ble Supreme Court in **Daxaben's case (supra)** observed as follows:-

“50. In our considered opinion, the Criminal Proceeding cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr. P.C. only because there is a settlement, in this case a monetary settlement, between the accused and the complainant and other relatives of the deceased to the exclusion of the hapless widow of the deceased. As held by the three Judge Bench of this Court in Laxmi Narayan & Ors. (supra), Section 307 of the IPC falls in the category of heinous and serious offences and are to be treated as crime against society and not against the individual alone. On a parity of reasoning, offence under section 306 of the IPC would fall in the same category. An FIR under Section 306 of the IPC cannot even be quashed on the basis of any financial settlement with the informant, surviving spouse, parents, children, guardians, care-givers or anyone else. It is clarified that it was not necessary for this Court to examine the question whether the FIR in this case discloses any offence under Section 306 of the IPC, since the High Court, in exercise of its power under Section 482 CrPC, quashed the proceedings on the sole ground that the



disputes between the accused and the informant had been compromised.”

10. In the present case, compromise was effected between the petitioner and the complainant vide Annexure P-4 on 03.08.2024 and the complainant had deposed before the court as PW-3 wherein he did not support the prosecution version and the statement was recorded on 16.10.2004 and the complainant while deposing before the Court resiled from his earlier stand and took a U-turn after the aforesaid compromise was effected between the parties. Therefore, it appears to this Court that such kind of compromise having no sanctity in law and rather creates a suspicion and doubt.

11. After considering the totality of facts and circumstances, this Court is of the considered opinion that mere fact that the complainant has not supported the prosecution version cannot become a ground for grant of bail to the petitioner because of the special sequence of circumstances. This Court is therefore, of the considered view that it is not a fit case for grant of bail to the petitioner.

12. The present petition is dismissed accordingly.

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

January 22, 2025
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes
No