

CRM-M-11200 of 2015
Date of Decision: 22.04.2015

GURWINDER SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

RAJ MOHAN SINGH J. (ORAL)

Petitioner seeks grant of regular bail in case bearing FIR No.281 dated 25.11.2013 under Section 306/34 of IPC Police Station Kapurthala City, District Kapurthala.

Marriage of deceased Jiwanjot Kaur was solemnized with the petitioner on 15.04.2012 and the couple was blessed with a female child. There are allegations of harassment at the instance of the complainant. According to FIR, 24.11.2013 was the instance of giving missed call by the deceased which was attended by her father (Gurdev Singh), wherein Jiwanjot Kaur wanted to talk to her mother but the talk could not be completed on account of disconnection of the mobile cell. On the next date i.e. 25.11.2013, the petitioner informed the complainant that Jiwanjot Kaur had committed suicide by hanging herself.

Learned counsel for the petitioner states that the deceased had no brother, her sister was already married. She wanted to live with her parents along with her husband. In the challan submitted by the police, these broad

facts have been investigated by the police and police found that it is on account of persistent desire of the deceased to live in parental house, there was bickering amongst husband and wife, that resulted in ultimate occurrence of suicide. Initially, FIR was registered under Section 302 IPC but the same was reduced to 306/34 IPC in the challan submitted by the police.

Learned counsel further states that inquiry was also conducted by DSP who also endorsed the aforesaid facts. The postmortem report reveals cause of death to be Asphyxia due to hanging. At last, learned counsel stressed upon the fact that even if the prosecution story is taken to be correct on its face value (facts denied altogether), ingredients of offence under Section 306 of IPC are not attracted. The petitioner is in custody from November 2013 and the further progress in the trial has been virtually stayed in CRR No. 3066 of 2014, wherein the trial Court has been directed to adjourn the case beyond the date fixed in the said case.

Learned State counsel on instructions from ASI Malkit Singh however objects to aforesaid prayers and states that keeping in view the cause of death and the allegations forming subject matter of FIR, petitioner should not be granted benefit of regular bail. Keeping in view the allegations, prima facie, it is debatable issue whether complicity in terms of Section 306 IPC is attracted or not? Petitioner is in custody from November 2013. The trial may take some time in its culmination.

Without embarking upon merits of this case, petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate, Kapurthala.

22.04.2015

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(RAJ MOHAN SINGH)
JUDGE