

**Sr. No. 212
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-39168 of 2015
Date of Decision: 01.12.2015**

Puneet Goyal

--Petitioner

Vs

State of Punjab

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Bipin Ghai, Senior Advocate with
Mr. Mandeep Kaushik, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

Mr. R.S.Rai, Senior Advocate with
Mr. Gautam Dutt, Advocate,
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 64 dated 21.07.2015 under Sections 304 B, 406, 302 and 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Cantt. Bathinda, District Bathinda.

Learned senior counsel for the petitioner submits that although initially the case was registered for the offences under Sections 304-B, 406, 302, 34 IPC but the report under Section 173 (2) Cr.P.C. has been presented only for the offences under Sections 306/406/34 IPC. He refers to Annexure P-2 to contend that the deceased took the extreme step of committing suicide because she was caught at the wrong foot. He also submits that since the petitioner was unmarried brother-in-law of the deceased, he had no role to play either in the matrimonial dispute or qua the offence under

Section 306 IPC. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned senior counsel for the complainant submit that since the allegations are serious in nature, petitioner is not entitled for bail pending trial at this stage. Learned senior counsel for the complainant further submits that in view of the allegations in the FIR, the case was rightly registered under Sections 304-B and 302 IPC. He also submits that since the Investigating Agency has conducted the tainted investigation, petitioner is not entitled for bail, at this stage. He further submits that let the learned trial Court be directed to frame the charges and only thereafter the instant petition may be considered. Learned counsel for the State as well as learned counsel for the complainant pray for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after going through the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of the facts and circumstances of the case discussed hereinabove, petitioner has been found entitled for bail pending trial. It is so said because petitioner was admittedly an unmarried brother-in-law of the deceased. Charge is yet to be framed. Annexure P-2 which is a part of the report under Section 173 (2) Cr.P.C. speaks volumes against the conduct of the deceased.

In such a situation, it shall be a debatable issue before the learned trial Court as to whether the petitioner, as a matter of fact, has actually participated in the commission of offence or not.

So far as the medical opinion is concerned, the same is not being discussed at this stage to avoid any prejudice to either of the parties.

In view of the above and without commenting anything further on the merits of the case at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

01.12.2015
vandana