

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M No.54 of 2015

Date of Decision:12.01.2015

Sunil Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.G.P.S.Bal, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him, vide FIR No.123 dated 24.10.2014, on accusation of having committed an offence punishable under Section 306 IPC, by the police of Police Station Kartarpur, District Jalandhar.

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 assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that, the marriage of Sukhdeep Kaur, daughter of complainant-Kewal Singh, was solemnized with the petitioner, twelve years prior to the present

occurrence. After solemnization of the marriage, they resided together as a husband and wife, cohabited as such and two children were born out of their said wedlock. On 24.10.2014, Sukhdeep Kaur was stated to have committed suicide on account of immoral character of her husband. It was claimed that the petitioner abetted the commission of indicated crime. The prosecution has not collected any evidence, much less cogent, to show that the petitioner was of immoral character, prior to the present occurrence. From the bare perusal of the contents of the FIR, as to whether the penal provision of Section 306 IPC is attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 24.10.2014. 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.

6. 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 of the main case, 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

trial Court.

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

January 12, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE