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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.18185 of 2017
Date of Decision: 26.05.2017**

Rajan Kumar @ Rajan Gupta

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl, AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.223 dated 30.04.2017 registered under Section 306 IPC at Police Station Civil Lines, Amritsar.

FIR was registered by Monika Puri wife of Ajay Puri with the allegations that her husband came to home at about 2 PM. After taking meal, a telephone came at about 3 to 4 PM and her husband went to the Court again. At about 4:45 PM, when the husband of the complainant did not return, she made a call, which was not replied. Thereafter, complainant and her

daughter reached the Chamber of her husband and found her husband lying. On making alarm, many persons gathered there and he was removed to hospital. Husband of the complainant died after some time. The allegations have been made on the basis of suicide note allegedly recovered from the register Legal Reference 2017 of the husband of the complainant.

Learned counsel for the petitioner by relying upon Civil Court decree dated 30.09.2016 passed in Civil Suit No.23 of 07.02.2014 titled Rajan Kumar Vs. Monika Puri and another and Civil Court decree dated 30.09.2016 passed in Civil Suit No.24 of 07.02.2014 titled Rajan Kumar Vs. Monika Puri and another submits that decrees of recoveries of Rs.1,43,500/- and Rs.57,400/- respectively have already been granted, the executions of which are pending before the Executing Court. The filing of civil suits and decrees thereof, cannot amount to commission of offence in terms of Section 306 IPC. Even the ingredients of aforesaid offence are not attracted.

In view of above, at this stage, without commenting anything on the merits of the case, petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Nothing expressed hereinabove would be construed to

be an expression of any opinion on merits of the case.

Disposed of.

May 26, 2017.
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(RAJ MOHAN SINGH)
JUDGE